

# Public Personnel Review

## *In This Issue*

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Strikes in the Public Service

Personnel Research Today and Tomorrow

Public Relations Training for Public Employees

Techniques of Surveying Employee Attitudes

Developing Job Performance Standards  
in the Federal Government

The 1948 Annual Conference on  
Public Personnel Administration

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Legal Notes . . . The Bookshelf  
Current Literature

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# Public Personnel Review

*The Quarterly Journal of the Civil Service Assembly  
of the United States and Canada*

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CONTENTS

	PAGE
STRIKES IN THE PUBLIC SERVICE . . . . . Leonard D. White	3
PERSONNEL RESEARCH TODAY AND TOMORROW . . . . . Joseph W. Hawthorne	11
PUBLIC RELATIONS TRAINING FOR PUBLIC EMPLOYEES . . . . . Thadene Hayworth	17
TECHNIQUES OF SURVEYING EMPLOYEE ATTITUDES . . . . . Lewis M. Nixon	23
DEVELOPING JOB PERFORMANCE STANDARDS IN THE FEDERAL GOVERNMENT . . . . . Eldon E. Sweezy	28
THE 1948 ANNUAL CONFERENCE ON PUBLIC PERSONNEL ADMINISTRATION . . . . .	35
LEGAL NOTES . . . . . H. Eliot Kaplan	40
THE BOOKSHELF:	
"Government as Employer" . . . . . Winston Paul	53
"Personnel and Industrial Psychology" . . . . . Paul G. Steinbicker	54
"The Management of Men" . . . . . Herbert Simon	55
"The Civil Service in the Changing State" . . . . . Don K. Price	56
CURRENT LITERATURE . . . . .	58

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Editorially speaking . . .

• Strikes by public employees in the United States, though not often threatened and seldom called, have given rise to a long-lived controversy distinguished for its fervor and the scope of the issues involved. Thoughtful men have pondered these issues often and at length. Some condemn public service strikes on grounds ranging from impropriety to illegality; others condone them as largely incidental and occasionally beneficial. In recent years the debate has passed beyond the forensic stage, as demonstrated by the fact that several legislatures, in-

cluding Congress, have outlawed all strikes by public employees in their bailiwicks.  
Some who have studied the matter in its larger aspects feel that a flat ban on all public-service strikes is too easy an answer to a complex question. One of these is Dr. Leonard D. White, distinguished scholar, writer, and public servant, whose article *Strikes in the Public Service* appears in this issue. In his article, Dr. White canvasses both major sides of the question as a prelude to advancing his personal views and drawing his own conclusions. His

line of reasoning takes a new direction, away from the beaten path. Readers will find his article a stimulating invitation to re-examine their own views on the subject.

- While granting the desirability, and necessity for research, Joseph W. Hawthorne, author of *Personnel Research Today and Tomorrow*, points out some of the weaknesses and dangers inherent in trying to reduce human behavior to statistics and mathematical formulas. Not only are the variables of human nature of an order that almost defy control; the researcher, also being human, is subject to bias of practically the same magnitude. The author highly recommends that the place to start research is on *jobs*. Work needs to be done in reducing costs by eliminating overlapping functions and obsolete procedures; standards of work measurement need to be set up so that work output can be measured; better methods of recruiting must be developed, and ways of determining employee attitudes discovered and used. When these questions are answered, a reliable foundation will be available on which to build personnel administration as a science. The article is an adaptation of a speech delivered by Mr. Hawthorne at the 1948 Annual Conference on Public Personnel Administration.

- Thadene Hayworth, in an article titled *Public Relations Training for Public Employees*, relates the story of the training program undertaken by the Los Angeles Region of the California Association of Drivers' License Examiners, employees of the Department of Motor Vehicles. This program in public relations was carried on in conjunction with Los Angeles City College and, although conducted on employee time, met with cooperation and enthusiastic response. Its success points the way for all agencies whose services entail contacts with the public. Courteous service that wins customer satisfaction is as necessary to a government agency as it is to a department store, a bank, or a hand laundry.

- If the use of employee attitude surveys is the criterion, government agencies have far less interest in what their employees think about their jobs than do private companies. Many business concerns consider a knowledge and understanding of employee attitudes essential, as demonstrated by the extensive and continuous use which various firms make of such surveys. Sears, Roebuck and Company, for example, uses them "not as a means of 'keeping out

of trouble' but primarily in recognition of the fact that high morale can make a positive contribution to Company success. . . ." Lewis Nixon describes the three main techniques used by business and survey firms to test and evaluate employee attitudes: the interview, the questionnaire, and the psychophysical scale. The author of *Techniques of Surveying Employee Attitudes* believes that when properly used these techniques are capable of adequately measuring employee attitude.

- While there has been some progress in devising methods of testing and measuring employee work performance, many positions have been difficult to evaluate either quantitatively or qualitatively. Recently, attention has been given to establishing "performance standards"—criteria against which *all* aspects of actual job performance can be judged. Their merit over previous rating scales and time, motion, and work-count standards lies in the fact that performance standards can be set up for non-routine and executive tasks as well as for those which produce a measurable output. For example, executive output can be defined by describing in clear, unequivocal language the effects desired from an employee's performance or by setting time limits within which action is to be completed or initiated. Several federal government departments have instituted this type of rating program and the United States Civil Service Commission has encouraged them. Experience to date indicates that job performance standards provide a practical tool that works. *Developing Job Performance Standards in the Federal Government* by Eldon Sweezy is an adaptation of a paper presented at the 1948 Annual Conference on Public Personnel Administration.

- Again this year, as in the past, the January issue includes a condensed program resume of last October's 1948 Annual Conference on Public Personnel Administration, as well as the proceedings of the Civil Service Assembly's annual business meeting. While these are "for the record," those who attended the Ottawa meeting need no summary to recollect the cordial hospitality of their Canadian hosts that made the 1948 Conference a memorable event.

- In this issue H. Eliot Kaplan, editor of the *Legal Notes* section, devotes attention to the legal aspects of public employee relations, and discusses a number of court cases bearing on the various major phases of the subject.



# Strikes in the Public Service . . . . . LEONARD D. WHITE

ON JUNE 20, 1947, the House of Representatives voted to override President Truman's veto of the Taft-Hartley Labor-Management Relations Act; three days later the Senate concurred, and the act became law. Section 305 of this legislation prohibits strikes by government employees in all-inclusive terms:<sup>1</sup>

It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency.

Less than a year earlier the French Parliament had enacted a comprehensive civil service law that in a single sentence adopted a directly opposite public policy: "Le droit syndical est reconnu aux fonctionnaires," a sentence that freely granted public employees the common rights of private industrial workers. Between these two extremes stands the public policy of most American jurisdictions—the policy of inaction so far as the law is concerned. Obviously, this policy has now been challenged. Clearly, too, some policy is likely

to be formulated by legislative bodies large and small in the near future. What should that policy be?

A discussion of policy opens up many possibilities. Policy seeks to resolve the question of "ought," rather than the question of law. In most questions of "ought," there is more than one defensible answer. Each depends on a set of values. In this particular policy problem, a number of values are involved, and different weights are assigned to them by different persons, all of whom would perhaps recognize each as valid in part. One such value is *authority*, essential for order and continuity in human institutions. Another is the equally basic value of *freedom*, essential for human integrity and the progressive evolution of institutions. The first speaks primarily in terms of the state, the other in terms of the individual. A permanent balance between these two values has never been reached and doubtless never will be reached in a dynamic society. Both are integral parts of human life; both are involved in achieving a moving equilibrium of agreement on all manner of public issues, including the question of public service strikes.<sup>2</sup>

## *The View That Government Is Different*

ONE CLEARLY DEFINED POSITION as to proper public policy is implicit in the Taft-Hartley Act: No one has a right to strike against the government at any time under any circumstances. The term "right," is used here in its moral sense. This view was held in 1947 by a majority of Congress and by majorities in a number of state legislatures; it is also held by many executives and officials, by some leaders

<sup>1</sup> Analogous state legislation in 1946 and 1947 may be consulted in the following citations: Indiana, Acts 1947, c. 341 (public utilities only); Michigan, Public Acts 1947, p. 524; Minnesota, Laws 1947, c. 335 (charitable hospitals); Missouri, Laws 1947, p. 351; Nebraska, Laws 1947, c. 178; New Jersey, Acts 1947, Senate 323 (public utilities only); New York, Laws 1947, c. 391; Pennsylvania, Laws 1947, p. 1161; Texas, Laws 1947, c. 135; Virginia, Laws 1946, c. 333; Washington, Laws 1947, c. 287.

• LEONARD D. WHITE is Professor of Public Administration, University of Chicago, and is widely known as a scholar and writer. His published works include "Introduction to Study of Public Administration," "Government Career Service," and "Whitley Councils in the British Civil Service." He served as a member of the United States Civil Service Commission from 1934 to 1937.

<sup>2</sup> The Civil Service Assembly has not adopted an official policy on the subject; the views here expressed are purely those of the author.

of civil service unions, and by large numbers of thoughtful citizens who, on the other hand, do not quarrel with the right of employees in private industry to withhold their labor to secure their ends.

These persons stand on the proposition that government is different from private undertakings. The difference is put in various terms: the state is sovereign and cannot brook defiance by any group within it, least of all by its own employees; the state represents the interests of all persons and groups and cannot yield to the pressure of one; the conditions of employment in the public service are fixed by law, unilaterally, and cannot be made the subject of bargaining and bilateral agreement as in a treaty between sovereign powers; the principal employment decisions are made by legislative bodies, not by executives, and consequently a strike is directed against the ultimate representative assemblies, which by definition cannot and in the general interest ought not to have their free decision foreclosed by force.

Behind these affirmations of the special status of public authorities is the conviction that any action tending to undermine the moral authority of the state is dangerous to the life of the community. Strikes of public employees would reduce the state to the position of an ordinary corporation, and could not fail to diminish its moral authority. In the long run, the consequences would be disastrous and must be avoided, even at some sacrifice of the privileges of government employees.

On a narrower scale, it is argued that the inconveniences and risks to the public caused by strikes of civil service unions would be serious, and upon occasion irreparable. The loss of life and property and the temporary dissolution of normal social restraints during the Boston police strike of 1919 are cited in evidence. Strikes of fire fighters, garbage collectors, and public utility employees would precipitate crises in short order. While it is agreed that not all public employees bear such crucial responsibilities, it is argued that

there is no logically defensible line of differentiation between one case and another; the only feasible disposition is therefore to ban all strikes of government employees.

The defense of such a policy is buttressed by pointing to alternative methods of seeking satisfaction for claims or grievances. The conditions of public employment are a matter of public record. If unsatisfactory, they can be attacked through the normal processes of public discussion and political change. The channels of public discussion are open, and the sense of fairness of the community will not long allow unfair conditions to prevail. If the public is indifferent or unconvinced, the dissatisfied employee may conclude that his grievances are less than he imagines; or he may find better conditions of employment elsewhere. In the long run, the consequently less efficient conduct of the services will bring its own remedy.

This general policy position was taken by Governor Thomas E. Dewey when he signed the bill banning strikes in the public service in New York in 1947. In an explanatory memorandum he declared:

The conditions of public and private employment are entirely different. The special characteristics of public employment are as follows:

1. Public service is a public trust not only for elected officials but for all employees. It is a trust in behalf of all people. A trustee cannot strike or falter in the performance of his duties.
2. A public employee has as his employer all the people. The people cannot tolerate an attack upon themselves.
3. The public employee has no employer who may profit from depressed conditions of employment.
4. The conditions of public employment, the rules governing it, and the revenues available to pay for it are all matters of public record.
5. Public employees have the right to improve their conditions through arguments before all the people, before legislative bodies, administrative officials and, of course, by their own ballots on Election Day. These rights are so effective that among all the types of employment over the years public employment has been rated as having the best and most desirable conditions.

... Government is not an end in itself. It exists solely to serve the people. The very right of private employees to strike depends on the protection of constitutional government under law. Every liberty enjoyed in this nation exists because it is protected by government which functions uninteruptedly. The paralysis of any portion of government could quickly lead to the paralysis of all society.

Franklin D. Roosevelt took much the same position in 1937 when he pointed out that the process of collective bargaining could not be transplanted into the public service. Collective bargaining, he declared, "has its distinct and insurmountable limitations when applied to public personnel management." The President in the same statement also declared his views on the question of strikes by public employees in the following words:<sup>3</sup>

Since their own services have to do with the functioning of the Government, a strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of government until their demands are satisfied. Such action, looking toward the paralysis of government by those who have sworn to support it, is unthinkable and intolerable.

### *The Statutory Silence View*

A SECOND POLICY POSITION can be put in some such terms as these: While strikes in the public service are to be avoided wherever possible, circumstances may exist, and occasionally do, in which a strike is defensible in the public interest itself, and is unavoidable in the interest of employees. As a rule, the advocates of this position are not men who encourage strikes or rush into them heedlessly, nor men who are insensitive to the considerations which have already been noted. Rather, they are men with a keen sense of justice who refuse to submit to what they conceive to be harsh injustice, irremediable by any other means. The underlying, dominant values which these men cherish are justice, the democratic right of consultation, and ultimate freedom of action. They are also deeply moved by humanitarian instincts, outraged in their view by conditions of employment which violate minimum American standards. They are as sincere, and as firm, in their position as are the men who would prohibit all public service strikes under any circumstances. They stand for the historic policy of statutory silence on this issue, leaving matters to the good sense of those concerned.

The advocates of this policy solution

deny or minimize the difference between public and private employment. They argue that bad employment conditions may prevail in a government office as well as in commerce or industry. They assert that a government supervisor or official can be, and may be, as arbitrary, high-handed, dictatorial, bad-tempered, and grossly unfair as any factory foreman. They believe that short-sighted officials, elected or appointed, may obstinately refuse to authorize salary scales equivalent to those prevailing in the community, preferring to make a record of tax reduction or debt retirement rather than to meet just demands of government employees. They are not impressed with the degree of public awareness of conditions against which employees complain, or the determination of the voters to correct them, perhaps at the cost of an increase in the tax rate. They assert that bad management lowers morale, reduces efficiency, leads to sabotage, and creates a condition from which the public interest directly suffers. They complain that the ordinary channels of communication are not open to public employees, short of a crisis; and the threat of a strike is the only crisis they can create.

The inconvenience caused by a public service strike, moreover, is not necessarily so great as that which would be involved in a stoppage in some privately managed undertakings. A strike on the nation's railroads, once imposed for forty-eight hours in 1946 and again threatened in 1948, would bring instant disaster to the whole country; in 1947 a strike of coal miners caused creeping paralysis of American production; a strike of milk handlers would be as grave as a strike of almost any group of municipal employees. The relative inconvenience of a strike of street maintenance men, or of public welfare case workers, or of seamen on a government-owned barge line is clearly less.

A strike against government, whether federal, state, or municipal, is conceivable, it is argued further, only under the most extreme provocation. Government employees are a conservative group. They

<sup>3</sup> *New York Times*, September 5, 1937, p. 14.

have expectations of continuous employment; great numbers have retirement rights that progressively dictate prudence; all are members of their communities, householders and participants in the hundreds of intimate rituals that bind together a community, proud of their status as public employees, and often bound to it by sentiments of deep attachment. "We don't *want* to strike," is a common expression among them when occasionally a crisis develops. Their union leaders, almost without exception, are as firm on the matter of strikes—or more so—than the rank and file. They know that the risks of defeat are great and believe that the long-run interests of their group are served by persuasion and endurance rather than by violence. The development of a situation in which a strike becomes possible normally signifies a breakdown on the part of management, not impulsive and arrogant action by irresponsible groups of employees. The public interest, it is argued, is well served if the threat of a strike unmasks such management.

In private industry, the capacity of organized employees to resist unsatisfactory conditions of employment and to fight back against stupid or arrogant foremanship has been a strong incentive to better management. The fact that a union can threaten the power position of managers and the profit position of a corporation is a healthy stimulus to top management and every intermediate level. It is argued that government, already occupying a protected, noncompetitive status, should not be shielded from this spur to improved administration.

Finally, those who support the right of strike among government workers contend that the right to withhold labor as a means of securing improvement in conditions of employment is one of the fundamental elements of liberty in the American sense of the term. It is of such deep social significance that it ought not to be curtailed anywhere, at any time, except under the strict compulsion of absolute necessity. Granting the legal authority of

the state to impose such a limitation on this normal freedom of American citizens, it is said that it is unwise and unnecessary to do so. The danger of strikes in the public service, on the record of the last half century, is exceedingly small. It is said that this danger is far too slender to support the curtailment of freedom in this small group; and, worse, such a restriction points ominously to its extension elsewhere.

### *The View That Strike Consequence Is Real Criterion*

IT IS POSSIBLE to take a third position, one that differs from both prohibition and tolerance by silence. It may be argued that the former prohibits too much, the latter too little. Each of these positions draws the line between public and private enterprise; all of one group stand in the field of prohibition and all of the other in the field of freedom. This line, it may be argued, is an arbitrary one. It becomes more and more fictitious every decade. Its real meaning as a guide to action grows less and less, and in the matter of public policy concerning strikes it needs to be abandoned.

The true criterion of distinction should be based on the nature and gravity of the consequences involved in a strike, whether by persons employed by government, by a government corporation, by a public trustee, by a mixed enterprise, by a private corporation affected with a public interest, or by a privately owned and operated industry or enterprise. The rule may be stated in some such terms as these: *A strike that would bring direct, immediate, certain, and serious danger to a primary interest of the community should be prohibited by law, with adequate sanctions, but also with adequate means to secure full public consideration and solution of the issues involved.* In other cases the law should remain silent. The criterion of distinction is therefore the consequence of a strike upon the public interest, not the status of the employer.

By way of illustration, some primary

interests of the community are the maintenance of public order and individual security; the protection of property against destruction by fire; the maintenance of such urban utilities as water or electricity. Some secondary (although important) interests are the supervision of children at play in a public park; the inspection of water supplies of interstate carriers; the operation of a publicly owned barge line on the Mississippi River. An interruption of the first class would constitute a direct, immediate, certain, and serious danger to the whole community. An interruption of the second would be inconvenient, would result in some loss, and would be annoying to management and some parts of the public. It would, however, affect something less than a primary interest of the community and would not present a direct, immediate, certain, and serious danger to the public interest.

It follows from the preceding propositions that public policy should prohibit strikes in some instances. Again, by way of example, a strike on the railroads (privately owned and operated), and a strike on the New York City subway system (publicly owned and operated) may be cited; or a strike among hospital attendants (public and private), and a strike among milk handlers in an urban centre (privately managed).

The choice of circumstances under which strikes should be prohibited by law can be guided by the suggested criterion, but the criterion is obviously not automatic. The judgment of responsible public authorities has to be called into play in each particular case or class of cases. The line of division gradually worked out might seem at any point of time to be arbitrary—but not thereby capricious. In all this there is nothing new or unusual. Legislative and executive bodies and courts are constantly called upon, in the exercise of judgment and discretion, to make just this type of distinction. It is by means of "arbitrary" decisions by responsible authorities that security benefits are given to factory em-

ployees but not to employees of farmers or eleemosynary institutions; that persons with a stated income pay no income tax while others pay 15 and still others 30 per cent; that persons with less than a full college course in an accredited institution of higher learning are not allowed to take certain civil service examinations.

That it is legislatively feasible to apply this type of criterion in the prohibition of strikes is indicated by some state legislation of 1947. Thus, the legislature of New Jersey selected public utilities as enterprises, the interruption of which would constitute an immediate danger to the community. Strikes and lockouts were forbidden; authority was given the governor to take over the plant, equipment, and facilities; compulsory arbitration of disputes was imposed; and the order of the Board of Arbitration was made conclusive and binding on all parties to the dispute, subject to severe penalties for nonobservance.<sup>4</sup> Minnesota selected charitable hospitals as institutions, the interruption of which would cause irreparable damage; some are publicly owned and operated, others are private, nonprofit institutions. Strikes and lockouts were prohibited and a court of equity was authorized to enjoin one or the other.<sup>5</sup> Indiana singled out public utility employers, "engaged in the business of rendering electric, gas, water, telephone, or transportation services to the public," making no differentiation between public and private employers. Strikes and lockouts were prohibited in all cases in which the governor believed "that a continuation of the dispute will cause or is likely to cause the interruption of the supply of a service on which the community so affected is so dependent that severe hardship would be inflicted on a substantial number of persons by the cessation of such service."<sup>6</sup> In each of these cases, the legislature abandoned the criterion of public and private and adopted the criterion of direct, immediate, certain, and serious danger to the community in

<sup>4</sup> New Jersey, Acts 1947, Senate 323.

<sup>5</sup> Laws of 1947, c. 335.

<sup>6</sup> Indiana, Laws 1947, c. 341.



deciding the points at which strikes, normally permissible, should be prohibited.

Congress, too, seems to be moving in this direction, although the absolute prohibition of strikes by federal employees is in contradiction. By section 206 of the Taft-Hartley Act, special provision is made to prevent strikes in "an entire industry or substantial part thereof" engaged in foreign or interstate commerce, or engaged in the production of goods for commerce, an interruption of which would imperil the national health or safety. In such cases the President may appoint a board of inquiry, and after receiving its report he may direct the Attorney General to petition any district court to enjoin a threatened strike or lockout (sec. 208). This legislation is parallel to the provisions of the National Defense Act of 1916 under which President Truman some thirty years later seized the railroads on May 18, 1948, and secured a temporary injunction from Justice Goldsborough against a threatened strike by three railway unions. On July 1, 1948, the injunction was made permanent, and on July 29 it was continued in force to permit the unions to secure a Supreme Court ruling. If the Supreme Court sustains this injunction, there will be a presumption that it will also sustain the special procedure established by the Taft-Hartley Act, the effect of which is to enable the government to specify certain types of private employment in which a strike, otherwise recognized by the silence of the law, is banned.

Public policy stated in the terms of these state laws and this aspect of federal policy leaves a maximum of freedom to citizens in their work relations. It does not, of course, prescribe the internal policy of public employee unions within this area of freedom. As a matter of strategy and tactics, or in devotion to high standards of duty, a civil service union could impose upon itself the obligation not to strike against the government under any circumstances. This is the existing policy of most civil service unions, adopted long before the prohibiting legislation of 1946

and 1947. It will doubtless continue to be the policy of most such unions, where no prohibition presently exists. These self-denying ordinances are not, however, a sure guide to public policy on this issue.

#### *Need for Better Negotiation Machinery*

THE POLICY POSITION suggested in the previous section requires, as an essential element, adequate means to secure full public consideration of, and solution for, the issues involved in a disputed claim or grievance in the civil service. Few, if any, American jurisdictions, federal, state, or local, have yet developed adequate machinery for the joint consideration of claims or for the disposition of grievances. The enactment of the recent crop of "no-strike" legislation will compel consideration of this aspect of employee management, not only in these jurisdictions but elsewhere. Here, it is alleged, is to be found the real answer to potential disturbance in the public service, rather than in the negative policy of mere prohibition.

The principal elements of a constructive public policy to prevent strikes by eliminating their causes can be briefly identified. They include:

1. Maintenance of equitable conditions of employment comparable to those prevailing in progressive private industry.
2. Full disclosure by management of the terms and conditions, and obligations, of employment in the public service.
3. Recognition of the right of employees to organize and to meet with the appropriate public authorities for collective representation and negotiation on conditions of employment, broadly construed.
4. Provision of adequate machinery, in which both employees and management have confidence, to deal with employee grievances, whether individual or collective.

Proper recognition of these propositions will require new or enlarged administrative agencies in most jurisdictions. A central personnel agency to formulate and guide the application of personnel policy

and to furnish positive leadership is required. This leadership, in turn, depends upon effective support by chief executives—mayors, managers, governors, commissioners, secretaries, and presidents. In large agencies there is needed an industrial relations staff, and in all a familiarity with progressive industrial-relations procedures.

In jurisdictions as extensive as the federal government, and perhaps in the largest state and metropolitan areas, much would be gained by the establishment of an American equivalent of the Whitley Council system of joint negotiation developed in Great Britain after World War I. These national and departmental joint councils (staff side and official side) have been so successful that they are not only fully accepted by the British government, but have also become an integral part of the normal machinery for the consideration of personnel policy. Experience in the Tennessee Valley Authority with the Joint Trades and Labor Council suggests that the crafts are prepared to give support to joint councils where management is ready to cooperate. The Whitley Councils range far beyond the crafts, however; they are primarily concerned with the clerical, middle, and top management, and also the scientific, technical, and professional grades. Immense resources are untouched in the American public service for lack of any means of responsible consultation between management and staff on large matters of personnel policy.

#### *Appropriate Sanctions for No-Strike Areas*

THE POLICY POSITION suggested in the third section of this paper also requires adequate sanctions in those cases, in public or private employment, where strikes are deemed inadmissible.

The sanctions provided by contemporary American legislation are severe. Section 305 of the Taft-Hartley Act requires immediate discharge, forfeiture of civil service status, if any, and disbarment from future employment by the United States for three years. Requirement of removal

under the Hatch Act has been construed not to jeopardize the right to a hearing (39 Op. Atty. Gen. 462), and it may be presumed that section 305 of the Taft-Hartley Act will be given the same construction. However, if upon hearing the employee is found in fact to have struck, the penalty of discharge is automatic. Forfeiture of civil service status would not in itself necessarily involve loss of accrued retirement funds paid in by the government, but most federal appropriation acts carry a proviso prohibiting the payment of any sum appropriated as salary or compensation to an employee who strikes against the government. This proviso has been strictly construed by the Comptroller General (26 Comp. Gen. 207 and 26 Comp. Gen. 853). It might mean loss of the government's contribution to the retirement fund. Loss of civil service status clearly includes any seniority rights and reemployment rights.

These penalties apply to the whole range of labor and industrial positions where the right to strike has not hitherto been contested. A carpenter employed on the Alaska Railroad, a bricklayer employed on a construction job by the National Park Service, and a seaman employed by the Inland Waterways Corporation could only construe such restrictions on their personal freedom of action as severe and extraordinary, as contrasted with the recognized rights of carpenters, bricklayers, and seamen generally.

The New York statute provides that any public employee (inclusively defined) who goes out on strike "shall thereby abandon and terminate his appointment or employment and shall no longer hold such position, or be entitled to any of the rights or emoluments thereof, except if appointed or reappointed as hereinafter provided." Reappointment is discretionary, requiring application by the striker and hearing by the official having power to remove him and is subject to two limitations: no increase in compensation upon reappointment or for three years thereafter, and appointment on probation for



five years without tenure and at the pleasure of the appointing officer. This type of sanction, permitting administrative action "to let the penalty fit the crime," is superior to the automatic requirements of the Taft-Hartley Act. Under the general provisions of the New York retirement fund, however, an employee dismissed for cause loses the government contribution to his pension, and the civil service law provides that such an employee loses any seniority or promotion rights.

Where strikes are prohibited, it is agreed that some form of sanction is essential. Strikes against government-operated enterprises (the coal mines when seized by the United States) can be enjoined by a court, and contempt of court punished in the discretion of the judge. The United Mine Workers were fined \$700,000 in 1947 and \$1,400,000 in 1948. But when Mr. John L. Lewis stood in danger of a sentence for contempt of court, the miners voluntarily stayed out of the pits. The experience is instructive.

Among government employees the capacity and the will to resistance are relatively feeble. Sanctions can be proportioned to the need for compulsion. A form of sanction, the incidence of which in the first instance will be automatic, the weight of which will be a real deterrent, and the application of which can be tempered by administrative action to the fault of the employee and to the community's sense of fairness and justice, is appropriate. The details need not be developed here, but it is important to insist that responsible administrative discretion be called into play to modify, so far as may be deemed appropriate, the penalties incurred.

### *Conclusion*

IT REMAINS TO STATE BRIEFLY the views of the present writer on this perplexing and contentious issue. They have been forecast in the previous pages but may be restated as a means of bringing the discussion into focus. They may be put in the following propositions:

1. The Taft-Hartley Act, the Condon-Wadlin Act, and similar legislation prohibiting strikes among all classes of public employees are unnecessary and are contrary to sound public policy because they unduly restrict the freedom of a large group of American citizens.

2. Strikes should be prohibited, however, when they endanger a primary public interest directly, immediately, certainly, and seriously, whether they occur in public or private enterprises. In all other cases, the law should remain silent.

3. The prohibition of strikes imposes an obligation to ensure full public consideration and settlement of the issues involved in disputed claims or grievances.

4. In public employment this obligation involves maintenance of equitable conditions of employment, full publicity to conditions of employment, recognition of the right to organize and consult on conditions of employment, and adequate machinery for the settlement of grievances.

5. Where exceptionally the right of strike is forbidden, sanctions should be proportionate to the gravity of the offense and should be reviewed by the administrative authorities.

Conflicts in human relations are not solved merely by prohibition. Nor is prohibition congenial to the American tradition of liberty. Within the limits of the public interest as progressively defined by responsible legislative bodies, freedom of individuals and groups to seek their ends by concerted action, but subject to the control of public opinion, is a precious part of the liberty of citizens in this Republic. The present outbreak of antistrike legislation is the joint product of a wave of postwar reaction and the ambiguous position of a single national organization of public employees. It reflects neither present danger nor future prospects of harm. It is symbolic of a tendency toward curtailment of freedom of group action, as the loyalty tests are symbolic of a limitation of freedom of opinion. These freedoms are too essential to jeopardize.

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# Personnel Research

## Today and Tomorrow . JOSEPH W. HAWTHORNE

**B**EFORE CONSIDERING where we are and where we should be going in the way of personnel research, let us agree on some basic premises for personnel work. Here are three that seem essential:

1. Ours is strictly a service function, and every operation we perform should be measured in terms of whether or not it assists operating agencies in more efficient performance of their functions. No one of our procedures has any justification in and of itself.

2. Every function, every procedure, no matter how minor, should ultimately justify itself in terms of its cost and efficiency.

3. Every procedure should be not only indispensable; it should also be salable, as such, to operating management, to the legislative body, and to the public.

The achievement of such a program obviously calls for research. But it is essential that the research undertaken is of the variety which will supply the right answers. It can often supply the wrong ones or cloud the issue. Thus, research is not the mere application of statistics or other hocus-pocus to procedures with the sole result of making those procedures complicated. Neither is it the mere reading of literature in the field to find out what somebody else already knows. Research consists in finding the answer to a definite question for which no known answer exists. The technique is to measure controlled variables, with other variables held constant, against a valid criterion, the control group. Nothing is said about conclusions or interpretations as a part of the research process because, in my humble

opinion, they belong in the realm of philosophy. When made a part of a research problem, interpretations and conclusions are apt to go beyond the facts and yet be believed in not only by the reader, but also by the researcher himself.

### *Danger of Sensory Bias*

WE ALL KNOW that the perceptual processes—pure sensation plus some interpretation of that sensation—in some cases goes far beyond and in some falls far short of the sensory or factual data. For example, when driving on a highway, we visually sense in the distance a blurred object. We successively perceive this sensate as a pile of dirt, a load of hay, and possibly a half dozen other things before an accurate percept is obtained. Once the percept is fixed, it is reintegrated in its entirety, frequently inaccurately, by only a part of the original sensory data.

What makes the situation still worse is that the accuracy of the percept is conditioned by the feeling tone; emotional state; wishes and desires; past experiences, both immediate and remote; and a host of other bodily states of the individual at the moment. (The parched man lost in the desert perceives a pool of water in every alkali patch.) Our beliefs, political, economic, religious, or otherwise, also color the accuracy of our percepts, probably in direct proportion to the intensity of those beliefs. (The foul called on our team is not perceived as a foul at all, and the referee is a bum.)

Added to the tendency to perceive simple sensory experiences inaccurately, there is further difficulty due to the fact that the higher mental processes are also colored by a multiplicity of extraneous factors. It is easy to draw conclusions con-

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sistent with theories we already have. We retain in our memories those things we like and forget with the greatest of ease those things which we dislike.

All of this is by way of an attempt to state that since knowledge is a result of sensory experience, we had better be reasonably certain that we sense the same thing over and over, and that others sense the same thing over and over, before we consider any simple question really answered.

One more impediment should be mentioned. Even if we had mechanically perfect sensory apparatus, a perfect central nervous system to integrate, correlate, retain, and reintegrate, we would still not be out of the woods as far as any research in the personnel field is concerned. Our field, if it can be called a science as yet, is a branch of the biological sciences, and since we are dealing mainly with the higher mental processes of human organisms, we are closely allied to the science of psychology, the most complicated of all the biological sciences. Herrick, in his *Brains of Rats and Men*, makes the point as dramatically as it can be made when he cites the number of atoms in the whole world,  $10^{56}$ ; in the known universe,  $10^{66}$ ; while the number of possible pathways for a neural impulse to travel through a human central nervous system is  $10^{2,273,000}$ . How variables of that order can ever be controlled is difficult to imagine, without even taking into account man's daily, monthly, and yearly rhythms—super-imposed on his total process of growth and decline—and individual variation one from the other.

Not only do these different types of variability make adequate sampling necessary; they also impel sufficient measurement to iron out the variabilities within the individuals of the sample. Of course, there are impressive and complicated statistical techniques from which inferences can be made and conclusions drawn concerning the adequacy of the sample and the credibility of the results. But as indi-

cated before, inferences and conclusions are dangerous even if derived statistically.

I once had a colleague, an ardent rat-runner, who let me have the upper ten per cent and the lower ten per cent of his rats which had been tested on an examination consisting of learning to find food at the end of a complicated maze. I had hoped to find some chemical differences in the brains of the bright versus the stupid rats. I found to my amazement that the lethicin or fatty tissue content of the brains of the lower ten per cent was greater than that of the upper ten per cent and, applying the usual statistical procedure, found that the dumb rats were "fat heads." The difference was nine times the sigma of the difference, well beyond statistical certainty. A second experiment gave the same statistically certain differences, with one exception: this time the results were reversed.

This suggested another line of inquiry. My colleague would each year set up various test conditions, running a control group against the test group, and if one differed from the other by three times the sigma of the difference, the inference was drawn that the differences were due to the test conditions. Those conclusions may or may not have been true. All that I could get through my sense organs was that when five hundred rats, which had been accumulated as controls, were divided at random into groups comparable in size to the test groups, there were as many significant differences found as were found allegedly to be due to the test conditions.

This experiment was later repeated with a large group of human subjects, all of whom had taken the same civil service examinations and again, when divided at random into groups of from ten to one hundred, an appreciable number of statistically significant differences were found when, as far as could be seen, no differences other than chance differences existed. All of which has tempted me to violate my own code and to draw a conclusion which would be: *Be careful about draw-*

ing any conclusions, even to the point of outright skepticism.

### *Beware of Overcomplicated Techniques*

IT SEEMS TO ME that in the past we have erred in the direction of uselessly and unjustly complicated procedures, either as a result of misguided and misapplied research, or from a complete lack of it. An examination for chief of police in our jurisdiction furnished an excellent example. It was farmed out to a group of special examiners who found a skewed distribution for which they applied the generally accepted correction techniques. This wouldn't have been too bad had not the candidates and the newspapers found out about it. The resulting explosion almost wrecked a new civil service administration before it ever got started. From a practical standpoint the procedure was a total loss. But it suggested a line of inquiry which had some value. The results of that test were subsequently treated with nine different statistical techniques which previous research allegedly had found useful. Each set of corrected scores was correlated with the raw scores, and in each case the correlation was considerably in excess of the reliability of the test. In other words, the refined techniques added exactly nothing technically. It was like pacing off the length of a room and measuring the last fraction of a pace with a micrometer.

I wish I could say that we learned a lesson from this experience, but we did not. We had to get burned again—this time with an examination for captain in the fire department. Here we found that the range of scores in the written test was considerably greater than the range in the oral. Obviously the scores had to be corrected to equivalent sigmas. All the books said so. Again an explosion and again utter failure to sell the procedure in spite of hours and hours of attempt. Again, belatedly, we found that the corrected scores correlated with the raw scores higher than the reliability of the test, which showed once more that the complicated procedure

added exactly nothing to the technical adequacy of the simple procedure.

As a result of these and repeated similar studies, I think at last we have learned almost enough to state a law of personnel research, a law that young technicians should be made to learn before they are allowed to apply their textbook techniques: *Never use a refined procedure if the correlation between the simple procedure and the refined procedure is higher than the reliability of the simple procedure.* In other words, if the job is to cut cord wood into stove lengths, why use a razor blade when a buck saw will do?

Another characteristic of our day is a plethora of research by the psychometricians in the field of testing, all of which is of doubtful immediate value to us in our work. In one form this research consists of attempting to isolate unit human traits and to develop "pure" tests of these traits. Tests for introversion-extroversion, space perception, verbal facility, etc., are a few of the many. Our use of such tests is dangerous until we know exactly what traits are necessary to perform specific occupations, which we do not know now. In the meantime we need better tests for specific occupations.

Another current research procedure is to present a situation to a group and to attempt to standardize the responses of individuals to that situation. Any situation will do, such as a series of ink blots, a series of pictures, or the telling of a story. Since these tests are not originally designed to test anything in particular, they are titled not by what they test, but by the means of testing whatever they test, thus the ink blot test, thematic apperception test, tell-a-story test, or find-the-pea-under-the-shell test, copyrighted, all rights reserved. Undoubtedly, such tests have their place somewhere, but when on the basis of a few cases it is found that executives or bus drivers show a pattern of response slightly different from other groups, and as a result the tests are offered for sale as selection devices for those occupations, it would seem that the buyer

should beware. Despite the present drawbacks of some of these tests, I do say, however, that any groping in the darkness for any kind of light is much better than idly sitting and waiting for someone else to turn on some light. And who knows, any one of the thousands of gropings now going on may be just the light we need on our work so that we can accomplish our aims with greater efficiency.

A current bit of research that deserves serious attention is that of C. H. Lawshe and others on point evaluation of positions, which has demonstrated in that field that complicated procedures have no technical advantages over simple procedures. Still another and very important area of research is the work measurement in the field of personnel being carried on by Herbert Rosenberg. Development of proper units of measurement is the first step to be taken before we can do any effective research on our own processes.

#### *Type of Personnel Research Needed*

NOW A FEW MORE WORDS as to where we should be going. I think first of all our broad aim should be to establish our field as a science, as a profession. We can do this by gradually building up our own body of knowledge, our own experimentally obtained facts on which to base our own hypotheses, theories, and laws. I said before that if we were a science we would be a branch of the psychological sciences. But we would be a very distinct branch, and possibly even an independent science, for whereas psychologists are interested in what makes an integrated organism tick, that to us is only of secondary interest. Our primary interest is in *jobs*, in what is required to perform the job in the best possible manner. Having determined that, our next interest is to find the person whose psychological make-up best fits the job requirements.

Consequently, one of our major research projects should be directed towards jobs. We need something on jobs corresponding to the factor-analysis now being done by Thurstone and others on human

traits. We should know a great deal more about the factors in jobs, factors based on something other than somebody's arm-chair analysis. When we develop techniques and determine those factors, we would know with some exactness the number of supervisory levels and the number of jobs necessary to accomplish a given task. Our class specifications would contain all the examiner needs to know to devise adequate tests.

Scientific factor analysis of jobs may have to wait for a time comparable to the period from the crude botanical classifications of Linnaeus to modern scientific botany, but there are things we can and should do now in the way of research. Here are a few:

*Reduction in Costs.* We in public personnel work should be the first to worry about how many public workers, producing services for the most part, can be supported per private worker producing goods, and how much longer we can increase public employment before private employment is no longer able to support us in the style to which we should like to become accustomed. We should be putting our own house in order by doing all that we can to cut the costs of the services we perform.

We do not need a very high order of research to find in any jurisdiction possibilities of great savings by eliminating costly overlapping functions. In my own city there are eight salary-fixing agencies, created by law, which for years operated independently. Without a change in the law, all except one have been brought together by agreement, and we still have hopes of that one. Within the same area there are five civil service jurisdictions—federal, state, county, city and school board—all doing the same things and to a very large extent to the same people. Although three of them have gotten together on a cooperative testing program for typists and stenographers, the surface has not even been scratched.<sup>1</sup> We could all do a great

<sup>1</sup> See Nesta M. Gallas, "Performance Tests for Clerical Classes." *Public Personnel Review*, July,



deal more locally and through the Assembly in cutting our own costs by a little cooperative effort. Within local areas, uniform job titles, cooperative recruiting and testing, and uniform pay scales would be a long step toward cutting costs.

Obsolete procedures are another fertile field for reducing costs. Only recently we discovered in our shop that a typist was busy making a copy of each eligible list. What was done with it? It went in the files. Who used it? Nobody seemed to know. Why was it done? We have always done it that way. Since lists long since had been coming out by machine and extra copies were available, here was a vestigial performance which called for excision. We probably have others. I know that without constant attention, as procedures change in one place, they become obsolete in others—and they will not eliminate themselves.

We need constantly to watch every process to see if there isn't a better way to organize the work. The work simplification people have done a lot. We need to appropriate their methods and improve on them. We should be trying out new machines, making adaptations, and inventing new ones. And as a good, healthy start someone should invent a scoring machine that we in civil service work could use.

*Work Measurement.* We are woefully in need of research toward the end of setting up units and standards of work performance so that work output in our fields can be as accurately measured as that of operating a punch press. I claim that service ratings as measures of performance, no matter what type of form may be used, are so inadequate as practically to be useless. We need objective work measurement for all of the things that service ratings are supposed to do. We can never hope to develop good tests until we have something better than service ratings against which to standardize them. We cannot

hope fully to solve the problem of operational cost until we have a unit of measurement. As has been indicated, some start has been made, but we need more light.<sup>2</sup>

*Recruiting.* We need some research in how to get more and better competition for the opportunities to serve the public. Any research on testing techniques is relatively useless if the resulting techniques are applied only to small groups of candidates. Twice the number of competitors, other things being equal, means twice the number of good competitors, and anything we can do to get ten times the present number will enable us to get better people.

*How to Sell.* The pure scientist would snort at the mention of selling as a research project, but I wonder how much of success in any line, even pure science, depends on how well the product is sold. Certainly for us to stay in business (as much as for the maker of "Quispie Qwinchies"), selling is necessary, assuming, of course that our product is good. We need to sell it to our staffs, to operating management, to the legislators, and the public. Anything that research could develop along those lines would be highly useful.

*Attitudes.* I believe that we fail completely to measure those mental states called "attitudes" which independently of other traits can make for success or failure of an individual and also a whole organization. I shall refer only to two negative attitudes here.

A recent little research project, which should be repeated for public service, found that security was the primary motivating factor in industrial workers in sixty-eight per cent of the cases. I would hazard a guess based on some, but insufficient evidence, that the figure for public service would be nearer ninety per cent. This is most discouraging. It means that many public workers, hating their jobs, their

1944, pp. 156-63. See also Harry Albert, "An Experiment in Cooperative Planning," *Public Personnel Review*, October, 1948, pp. 177-82.

<sup>2</sup> For a discussion of this subject, see Eldon E. Sweezy "Developing Job Performance Standards in the Federal Government," p. 28, this issue.

associates, and their supervisors, will hang on even though they and their organizations would be much better off if they went elsewhere. Worse than that, it means that they will sit idly by in the face of inefficiency, or even downright corruption, and do nothing for fear of losing their precious security. Perhaps it is true that nobody puts service above self. But there must be a few people left who believe that the greatest self-satisfaction comes from honest service, who will not only perform to the best of their abilities, but will also risk their necks toward that end. If such there be, we need some research which will bring them to the top of our lists.

*Attitude Toward Our Society.* Quite apparently we are locked in a death struggle between those who believe that the individual is but an insignificant creature of the state and those who believe in the dignity of man and feel that the state is a creature of the individuals composing it. I am not referring to the malcontents, the neurotic fringe, to those who may have been unjustly smeared, or to the liberals who are seeking more dignity for the individual. I am referring to that solid core of cleverly trained individuals who, by trickery, deceit, force, and violence, hope to overthrow our social order. I would not for a minute deny these individuals the right to believe as they do or, within

the laws, to act as they see fit. But I do claim that no organization can function properly without a modicum of loyalty from its workers. I would mention the immorality of an individual deriving his support from an organization he hopes to overthrow, except for the fact that the people I am talking about have no concepts of honesty, integrity, loyalty, or morality as we understand these qualities. We are woefully in need of some research which will eliminate such people in our selection process by better means than are available at present.

### Conclusions

Having called attention to the shortcomings in personnel research, and pointed out to the best of my ability possible methods of overcoming them, I should like to conclude with the statement that I believe we are taking steps in the direction of solving our problems and deficiencies. We may not as yet have all the requirements of a science, but we are well on the way.

With the help of our technical journals, better organized civil service agencies, and the more specifically trained people coming into the profession, I believe we can look forward with confidence to bigger and better things in the science of personnel administration.



# Public Relations Training for Public Employees . . .

THADENE HAYWORTH

PROGRESSIVE INDUSTRY is placing increasing emphasis on employee-customer personal contacts as the foundation for public relations which build increased sales and community good will. Most legislative bodies and top government officials, too, would agree that a good public relations program is vital to public support of essential and expanding public services. But what is the best way to make certain that personal contacts are being made to the satisfaction of the citizen-customer?

A revealing clue on this question recently turned up in the police department of a local government. The police chief decided members of the force should have training in courtesy in telephone contacts and directed all men to take a one-hour training session. A skeptical plain-clothes detective of twenty years service decided to give the suggestions made a try-out the following day. Things were going better than he expected—the complainants were replying more politely than usual to his new, courteous phrases of "Thank you" and "Will you wait a minute while I check the record, or shall I call you back?" But he was really convinced when in closing another complaint call he said, "Thank you for calling this to our attention, Mr. Jones, we'll get to work on it right away." There was a sudden silence at the other end of the line, and then a choked voice said, "You must be a new man on the force," and hung up! Could there be any doubt about the telephone courtesy which citizen-customer Jones was conditioned to?

## *Determining Need for Public Relations Training*

ONCE ATTENTION has been directed to the critical importance of good public relations, there are many ways, both formal and informal, by which a legislative body or top management can determine what the community's attitude toward the jurisdiction is. If the attitude is found to be unfavorable to the organization, a training program for employees engaged in making personal and telephone contacts is highly desirable. Recognition of such a training need can also come from professional employee groups, which by their own initiative may seek to develop a training program.

This article will describe the development of a public relations training program organized by the Los Angeles Region of the California Association of Drivers' License Examiners, employees of the Department of Motor Vehicles. In addition, a broader statement of the policies and procedures which should be considered in developing a public relations training program in any jurisdiction will be set forth.

In 1948 the Los Angeles Region of the Drivers' License Examiners Association set up an Academic Committee, whose responsibility it was to find out the need for training programs and contact the Los Angeles City College about the possibility of instituting the programs. The Motor Vehicle Department has no funds for in-service training and any classes organized had to be entirely on employee time and at employee expense. The committee members agreed that a course in public relations would be valuable not only for the drivers' license examiners, but also for the registration and rate clerks. This interest arose out of the fact that depart-

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ment personnel are constantly dealing with the public under very difficult conditions. Applicants are often under extreme tension, showing unusual and sometimes dramatic reactions to the refusal of an operator's permit. Employees were interested in developing acceptable and reasonably uniform ways of dealing with such personality problems, in order to improve public relations as well as to achieve greater job satisfaction.

The committee proposed to the Los Angeles City College a ten-week, twenty-hour night course in "Psychology in Public Relations," with the class limited to department employees. Preliminary discussions with the head of the psychology department of the college led to the development of a tentative course outline. The author was then requested to further revise the outline in consultation with the committee and to hold the ten sessions. The final course content was a combination of the industrial, conference-type of public relations training program and applied psychology. The course objectives were to establish sound attitudes and suggest positive methods for maintaining good citizen-customer relations, and to increase the employee's understanding of his own psychology and relationships with fellow employees as members of a working team.

#### *Course Content*

ANALYSIS OF the duties and responsibilities of the employees attending suggested that the course content should focus on the following points:

1. Establishing positive public service attitudes.
2. How to give information and instructions to applicants, applying the laws of learning.
3. Telephone contacts—the right and wrong way.
4. The physiological basis for the tensions shown by applicants.
5. Why people behave in different ways in reaction to the same type of conflict.
6. How to deal with persons who have

developed a positive or negative type of adjustment to the environment.

A brief summary of the content of these subjects and the teaching methods used to present them will be presented in the following sections.

1. *Establishing positive public service attitudes.* This material was developed almost entirely by the group-discussion, conference method, which proved to be very effective. For example, it was the consensus of the class that the public typically believed that the information given by government agencies is too technical, that they received inconsistent answers from different employees on the same inquiry, and that the agencies were bureaucratic and bogged down by red tape. Looking at the situation from their own viewpoint, the class said that the two factors which caused them the most difficulty were: action which can be taken is determined by and limited by law; and activities are often specialized and therefore requests must frequently be referred elsewhere.

Poor public relations were believed to be equally disastrous for government and business. In business it might mean decreasing sales and profits, low pay, and poor job security. In government it might bring increasing complaints, lowered prestige of all public employees, legislative action such as reduction in funds or functions, or the actual abolition of the agency.

Discussion of the postwar emphasis on public relations training in business brought out the fact that department stores and utility companies have always stressed such programs. More recently, the railroads, particularly the New York Central and the Southern Pacific, have had intensive programs.

In general, business and government training programs have stressed five basic factors in good public relations:

1. A service attitude
2. Courtesy
3. Speech
4. Personal appearance
5. Adequate information

2. *How to give information and instructions to applicants.* A somewhat novel introduction to this constant problem of giving information was obtained by developing some of the basic principles of learning. Specific situations were presented to the class members, and they were asked to analyze the problem and state the principle of learning involved. For instance, a set of instructions involving several steps was given, and the class members asked to restate the instructions. When the same facts were presented in shorter steps, the class members could recall the essential facts. Recognition of this simple law of learning—it is very much easier to memorize shorter material correctly and remember it for a longer period—opened up the discussion for more complex principles. For example, the Job Instruction Training Program was discussed as a sphere for applying the same principles.

Slides of the psychology department were used to demonstrate that learning in the situation of the applicant, who often has no previous mental association with the forms, terminology, and procedures used, is extremely difficult. It was agreed that every effort should be made to use descriptive rather than legal or technical terms for forms and procedures and a vocabulary level close to that of the applicant. Reduced speed in talking was also considered.

Another law of learning—frequency of instruction as a method of strengthening the habit pattern—applied particularly to the work of the drivers' license examiners. Thus, license applicants who failed would be urged to practice four times for fifteen minutes rather than a single time for one hour.

3. *Telephone contacts.* In presenting this information, the college had the cooperation of the public relations department of the Bell Telephone Company. A representative of the company showed a black and white sound motion picture, "Telephone Courtesy," and gave a demonstration of the correct use of the com-

pany equipment. This excellent program, which takes about one hour, is widely used in such businesses as department stores and banks. In the Los Angeles area it has also been used recently by the local office of the Bureau of Internal Revenue.

Class discussion of special Motor Vehicle Department telephone problems followed.

4. *The physiological basis for tensions shown by applicants.* A black and white motion picture, "Muscles," showed the structure and function of the muscles and how muscle tension can exist even when there is no observable activity of the body. The level of muscle tension of an individual is indicative of his probable reaction in a tension-creating situation. Since the licensing work of the Department of Motor Vehicles affects security and recognition wishes of the applicants, situations often occur which create frustration and conflict, thus raising the tension-level. The film helped the class understand the reason for many public reactions and therefore should provide the basis for better handling of problems.

5. *Why people react in different ways to the same situation.* This lecture and film were a logical follow-up to the explanation of muscles as the basis for tension-level. Reactions to problems were described as based on learned responses, principally from the habits of childhood and adolescence. A Canadian sound film, "The Feeling of Rejection," showed the case history of a young business girl with physical symptoms of extreme fatigue and headaches without physical basis, who had learned in childhood to restrain positive expressions of love, creative ability, and the desire for new experience, and had adopted as an alternative attitudes of negative expression and withdrawal from her environment. The resulting tensions had made her an unhappy and apparently sick employee.

A visual presentation of the reason for personality differences seemed to be a very effective way to give employees a more

objective, less personal attitude in dealing with difficult personality types.

6. *How to deal with applicants who show a positive or negative reaction to the environment.* Applying the new information about tensions and learned attitudes, the class members drew up a set of lists on how to handle the positive and negative types of individuals. They were able to analyze and classify their current practices as well as suggest new approaches.

#### *Evaluation of Program*

THERE WAS DEFINITE, although admittedly informal, evidence of the class interest in and understanding of the varied subjects in this frankly experimental program. However, it should be emphasized that the class was made up of mature men and women, with an average age of about 35 years, and with several years of experience in the department. That the class members understood and were able to apply the principles of applied psychology set forth was evident from the high proportion of participation in class discussion, the content of the written case histories submitted, and the grades on the final examination.

Individually, class members expressed greatest satisfaction with the "how to do it" approach, such as that shown in the Bell Telephone Company film and demonstration. Of particular interest to the author was the class reaction to the films on the muscular basis of tension and the origin of attitudes in early life. This material seemed to give the participants an entirely new, more objective point of view for dealing with tension situations and was constantly and confidently applied in later sessions. Obviously, the same information had wide application to the more personal as well as intraoffice human relations problems of the class members. Experience with the last two subjects suggested that employees might respond still more to the current training programs in such fields as job relations training if they had even a quick glimpse

at the basic principles of psychology from which the training material comes.

Lack of follow-up is the basic weakness of this and any type of training program conducted outside an agency. To some extent, employees who work together will attempt their own follow-up by occasional discussion of difficult and unusual contact problems. But without official agency recognition of and support for training in public relations problems, employee interest often declines.

That group interest in psychology has been developed is evident in the fact that the psychology department has been requested to continue the sessions for another ten weeks, with emphasis on more technical information, such as psychoneurotic types, and defects of physical structure and sensory faculties and their effect on driving ability and personality.

#### *The Public Relations Program in Public Agencies*

THE PUBLIC RELATIONS program which has been described was developed for a particular group of employees in a single public agency. But the need for such a program would seem to be universal, existing wherever there are employees contacting the public in person or by telephone. License or tax clerks, civil service information clerks, public utility service men, telephone operators, and institutional employees are only a few of the types of positions involved. The services being rendered by these employees are, by their very nature, a monopoly. The taxpayer must accept—even though he may resent—the quality of personal service involved. How can he transfer his business to a competing jurisdiction in order to register effective protest? The absence of the profit and competitive motives places a special responsibility upon public officials and employees alike to overcome complacency about the quality of personal service being offered.

Sometimes the volume of complaints about departments made by individual citizens, organized clubs or groups, or the

local press will offer a clue to public attitudes. But how indicative are these? The great majority of citizens approach contacts with public agencies with an air of quiet resignation, and sometimes even desperation. But silence does not constitute evidence of satisfaction. On the other hand, every organization dealing with a cross section of the public receives a certain percentage of "crank" letters from the obviously neurotic or psychotic individuals. No public relations program would satisfy these citizen-customers.

The challenge of the public service to establish a public relations standard at least equal to that of the programs of the more progressive businesses is now greater than ever before. The increasing tax burden, now averaging thirty-one cents out of every dollar, and the number of government employees, now one out of every six, must be clearly justified. The "business as usual" era is over, for governments as well as industry. Government services and costs will be subject to closer citizen scrutiny and often attack. Public satisfaction with the services being given could be a basic foundation of community support to withstand those attacks which are unsound and hysterical. But such community satisfaction is not accidental, nor can it be created overnight by a hasty, obviously defensive campaign.

### *Planning a Public Relations Training Program*

AGENCY POLICY and training for public contacts should be in government as in industry the concern of top management, both administrative officials and boards of directors, and legislative bodies. In order to be effective, the program should be systematic, continuing, and be given publicity within agency publications and within the community. A "pep talk" on courtesy doesn't solve the problem. The program should be launched as a positive one if it is to insure good public relations and prevent, rather than solve complaints.

When top management has approved a public relations training program, the fol-

lowing steps are often followed both in business and government in developing the program:

1. Set up a committee, composed of representatives of the departments most concerned, to participate in planning, reviewing, and approving the course content.

2. Present a "capsule" version of the course to the legislative body, the committee, and the department heads concerned.

3. Determine, in consultation with the committee, what departments and categories of employees shall have priority in participating in the program.

4. Test employees on knowledge of course content by class discussion, written projects, and written tests.

5. Follow up the program by brief sessions with employees or supervisors and write-ups in official or employee publications, such as employee handbooks, manuals, or magazines of employee associations.

6. Present periodic reports to management on the number and types of positions involved in the program and some of the direct and indirect evidences of its effectiveness.

### *The Cost of a Program*

ANY TRAINING PROGRAM costs money, but the immediate costs must be weighed against the long-range benefits. There are many ways to organize a program, even though the agency has no specific budget for training purposes.

The hours given to public relations training might range from the twenty hours for the course just described, to one hour for training in telephone courtesy. A general average might be from four to eight hours, in three or more sessions. The meetings could be as brief as fifteen minutes or as long as two hours, depending on the time the employees could be taken from the job. Scheduling could recognize low work load periods such as early in the morning, late in the afternoon, or slack seasons of the year. Police-



men in the city of Los Angeles are now given continuing training during a fifteen minute morning roll call period.

Another factor influencing the cost would be the selection of a person or persons to conduct the sessions. If the agency hires a full-time training specialist, the salary becomes a direct cost to training. An alternative might be the temporary assignment of an experienced, mature supervisor with an aptitude for conference leading. The civil service department might also hold a training institute for such supervisors, selected by the various departments to conduct their own programs. Later meetings of the conference leaders would ensure a degree of uniformity.

If planning and administration of the program are divided among the departments, the cost to each of them would be low. If the time spent in employee attend-

ance did not require employment of additional persons, then the direct cost will be low. Any direct costs must be measured against savings resulting from the more prompt, efficient handling of public contacts, the lower volume of complaints, and last but not least, the intangible but very real factor of community good will.

### Conclusion

THE PUBLIC CONTACTS of public employees are a continuing and important function of government which require a systematic training program to insure a high standard of service and citizen satisfaction. In government as in business, such a program should be launched with the full support of top management. When administrative direction is lacking, employee associations may, by their own initiative, organize and support a public relations training program.

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# Techniques of Surveying Employee Attitudes . . . . . LEWIS M. NIXON

THE USEFULNESS of employee attitude surveys, properly administered, is well established in many industrial and commercial firms. Some of these firms have been polling employee attitudes for a decade, or longer, and have gradually improved their survey and follow-up techniques to the point that they consider them essential to their daily operations. Other firms, not being equipped to conduct their own surveys, employ the services of industry consultants or specialized firms.

The experience of Sears, Roebuck and Company illustrates the vigor and enthusiasm with which some firms have pioneered in developing survey techniques and in making use of survey findings. Thus, an official of Sears, in an address before the American Management Association, said:<sup>1</sup>

The officers and senior executives of Sears are deeply concerned with the need for maintaining sound and mutually satisfactory employee relations, not as a means of "keeping out of trouble" but primarily in recognition of the fact that high morale can make a positive contribution to Company success because it is an indispensable element of effective organization.

The strong interest of Sears in employee morale is demonstrated convincingly by the fact that this company in cooperation with Houser Associates, a New York firm which specializes in conducting employee attitude surveys, has surveyed more than 40,000 employees by means of questionnaire.

Consulting firms have contributed greatly to the literature on employee atti-

<sup>1</sup> James C. Worthy, "Discovering and Evaluating Employee Attitudes." An Address Before the American Management Association; New York, October 3, 1947.

• LEWIS M. NIXON is in the Special Projects Division, Office of Budget and Reports, Department of the Navy.

tudes in private industry. They have accumulated data on attitudes of office workers and blue-collar employees in firms of various sizes and types. One firm has even established national norms of attitudes of groups of office workers, ranging in size from the office force of a small factory to that of a national headquarters with more than 600 employees.<sup>2</sup>

In the government service, as contrasted with private industry, employee attitude surveys are infrequent.<sup>3</sup> Except for War Department surveys of attitudes of civilian employees in the Army Service Forces, conducted in 1944, the writer knows of no organization in the entire federal government which has been seriously engaged for as long as a year in conducting attitude surveys of employees in the classified service. At present, however, in the Department of the Army there is a Troop Attitude Research Branch which is carrying on troop attitude surveys of the type instituted during the war.<sup>4</sup> Notwithstanding the dearth of actual experience, officials in a number of federal agencies are exhibiting a strong interest in conducting such surveys.

Inasmuch as employee attitude surveys are a recognized and valued tool in many firms in private industry and are the subject of increasing interest in the government service, an appraisal of the techniques of conducting them is in order.

The more commonly accepted techniques may be classified within the fol-

<sup>2</sup> Arthur Kolstad, "What Office Workers Think About the Company," American Management Association, *Office Management Series No. 113*; 1945, pp. 1-10.

<sup>3</sup> See Charles N. Cozer and Eleanor B. Cohen, "Job Attitudes of a Hundred and One Federal Employees," *Public Personnel Review*, April, 1943, pp. 96-102.

<sup>4</sup> Troop Attitude Research Branch, Troop Information and Education Division, Department of the Army.



lowing groupings: the interview; the questionnaire; and the scale constructed in accordance with psychophysical methods. Each of these basic techniques has its strong features and its weaknesses. Both aspects should be carefully considered by any administrator who contemplates using attitude surveys as a management tool or as a means of evaluating the effectiveness of policies and practices.

### *The Interview Technique*

THE INTERVIEW TECHNIQUE is used in various forms to survey employee attitudes toward work and work environment. Two forms, namely, the unguided interview and the guided interview, are of particular interest.

The unguided interview, as used in research conducted by the Western Electric Company in its Hawthorne Branch at Chicago, utilizes the fundamental theory of psychoanalysis: "All roads lead to Rome." In the natural setting of the work environment, the interviewer encourages the worker to talk freely and frankly about matters which are important to him. The interviewer follows several rules in using this technique. He listens; he does not interrupt, give advice, or ask leading questions. Above all, he avoids argument and tries not to permit the worker's sentiments to react upon his own. During the interview and subsequent analysis, he makes a diagnosis in order to understand the worker's situation as opposed to the word symbols which the worker may have used in the interview.

The main advantage in the use of the unguided interview by a skilled interviewer is that there is a minimum of stereotyping or cramping in the stimuli used to elicit employee responses. In this respect the unguided interview may be highly objective. The main disadvantages are its extreme costliness; its inherent subjectivity except when the findings are gained by highly skilled interviewers; and the lack of comparability of its results even under the most favorable circumstances.

In the guided interview technique, the interviewer has in mind a number of questions or points covering what he believes are the more important attitude areas relating to the employee's work. As the interview progresses, the interviewer attempts continually to direct the employee's remarks, in as natural a manner as may be possible, to those attitude areas. Like the unguided interview technique, this technique is expensive and is open to systematic distortions in terms of the biases and personality of the interviewer. When used by skilled interviewers, however, it may result in objective and comparable findings.

The Life Insurance Sales Research Bureau of Hartford, Connecticut, experimented extensively with the guided interview technique in its studies of agent morale. Owing to the necessity for highly skilled interviewers and the precautions which had to be taken in interpreting interview reports, the Sales Research Bureau finally concluded that a more streamlined method—the questionnaire—was needed.<sup>5</sup>

Notwithstanding the weaknesses of the interview technique, this technique may be used advantageously in the preliminary phases of a survey and in the follow-up on the results of attitude data obtained by other methods. Thus Sears, Roebuck and Company uses interview teams to follow up on questionnaire surveys. The teams use the interview technique to obtain from limited numbers of employees (those revealed by the results of the questionnaire survey to be the most dissatisfied) reasons for negative feelings. Significantly, too, besides obtaining information on why these employees feel as they do, the interview teams use the technique as a means of eliciting from executives and supervisors ideas for taking remedial action either prior to the administration of the questionnaire or during the period of analysis of survey results.

<sup>5</sup> Life Insurance Sales Research Bureau, *Morale and Agency Management* (Hartford, Conn.: the Bureau, 1940), I, pp. 7-12.

### The Questionnaire Technique

IN SURVEYING employee attitudes, a more frequently used technique is the questionnaire. A simple essay type questionnaire consists of one or more questions inviting the employee to express in writing his feelings toward his work situation. Like the unguided interview, this technique reduces to a minimum the stereotyping or cramping in the stimuli used to elicit employee responses. It has serious weaknesses, however, which make it of doubtful value. Employees, feeling that their handwriting could be identified, may hesitate to express their feelings frankly. Inability to write well or a lack of interest may also inhibit candid responses. Finally, statistical treatment of essay comments is extremely difficult.

The multiple-choice type of questionnaire is far more satisfactory than the essay type. It provides several choices of answers to each statement in the questionnaire, thereby making comparatively easy the statistical tabulation of attitude responses which vary greatly in intensity. In some questionnaires the multiple-choice options follow a consistent pattern. Thus, in the Sears, Roebuck and Company questionnaire a consistent pattern of options is provided for each statement. These options are: "Strongly Agree," "Agree," "Undecided," "Disagree," and "Strongly Disagree."

Besides yielding expressions of attitudes which are readily tabulated, the multiple-choice questionnaire is inexpensive and easy to administer. Its chief weakness is that it does tend to stereotype or cramp employee responses. To overcome this weakness, many surveyors consistently ask the employees to furnish essay type answers on what they like best about their work and what they dislike most about their work.

Administrators considering use of the multiple-choice type of questionnaire are prone to ask whether standardized statements may be used again and again in surveys of employee attitudes in various organizations. This is a highly important

query, inasmuch as the cost is likely to be almost prohibitive if a new questionnaire must be constructed for each survey. Furthermore, if standardized statements may not be used repeatedly, the prospects for developing comparative data and national norms are rendered far more difficult.

In seeking an answer to the question of whether standard items may be used repeatedly, it may be well to review the experience of industrial and commercial firms. The Life Insurance Sales Research Bureau, after considerable experience in using the interview technique, finally developed and used a standard questionnaire to survey the attitudes of agents.<sup>6</sup> Benge Associates of Chicago has used a standard questionnaire to survey the morale of employees of five plants located in New York, Jersey City, Cleveland, Detroit, and Chicago.<sup>7</sup> All of these plants, incidentally, were in the same parent firm. Sears, Roebuck and Company after much survey experience finally developed standard statements or items for repeated use. These items "were not just 'dreamed up' but represent a well-worked-out procedure for tapping the feelings of employees in all phases of their working lives."<sup>8</sup>

From the experience cited in the preceding paragraphs, it is apparent that it is not necessary to construct a new questionnaire for each employee attitude survey. As long as the circumstances under which employees work are substantially alike, that is, as long as the employees are in the same service and under the same agency administration, it is feasible to use many standard items. In this sense, the circumstances are substantially alike under which clerical, administrative, and fiscal service employees work in a specific department or agency in the federal government.

<sup>6</sup> *Ibid.*, p. 31.

<sup>7</sup> Eugene J. Benge, "Employee Morale Survey," *Modern Management* (The Society for the Advancement of Management, Inc., January, 1947), VII, No. 1, pp. 19-22.

<sup>8</sup> Worthy, *op. cit.*

### Use of the Psychophysical Scale

BESIDES the interview and questionnaire techniques, the psychophysical scale has been used to survey employee attitudes both in private industry and in the government service. A psychophysical scale, to measure employee morale, may consist of a list of attitude statements varying in intensity from strong agreement to strong disagreement as regards various features of work and work environment. This form of psychophysical scale is patterned after the type developed by L. L. Thurstone.<sup>9</sup>

In a modified form, making use of standard, multiple-choice options for each statement, the psychophysical scale cannot be distinguished from a multiple-choice questionnaire such as the one used by Sears, Roebuck and Company. It differs fundamentally, however, from the questionnaire in the manner of its construction. This is especially true of the psychophysical scale as originally developed by Thurstone but applies also to the modified form making use of standard, multiple-choice options. The fundamental difference is that the scale is pretested, whereas the questionnaire is not.

In constructing a scale, pretesting of the items is achieved by the use of raters. Ordinarily, a representative sample of from 100 to 300 raters, selected because of their experience in the culture area, participate in the construction. Their group judgment or evaluation on each item results in a scale value and a measure of ambiguity for that item. In the event of marked disagreement among the raters as to the significance of an item, that item is eliminated. Thus, the rating process in building the scale eliminates statements which are either ambiguous or not diagnostic. In this way the group judgment of many raters, rather than the more or less subjective judgment of a single individual, or a small number of individuals, determines which items are to be included

as well as the scale values and ambiguity indexes of those items.

R. S. Uhrbrock in 1934 used a Thurstone-type scale to survey the attitudes of 4430 employees.<sup>10</sup> H. B. Bergen likewise used the Thurstone-type scale to measure employee attitudes.<sup>11</sup> The construction of these scales proved that there is sharp and stable agreement regarding the morale significance of many features of work and work environment. Otherwise, such scale construction would not have been possible.

A modified form of psychophysical scale for use in surveying employee attitudes has been constructed and applied in the government service.<sup>12</sup> This instrument consists of 112 statements, scale values and indexes of ambiguity having been ascertained for each of five standard options on each statement. Of the 112 statements, the ten listed below are typical in that they reflect the broad coverage of the instrument:

I enjoy my work here very much.

My work is too monotonous.

There is a good future on a job like mine.

There is a very friendly and congenial atmosphere here among the employees.

An employee here receives good training on his job.

Our supervisors thoroughly understand how the work of their subordinates should be done.

Employees here receive equal pay for equal work.

The management keeps the employees well informed about the main purposes and plans of the organization.

The management fully appreciates that sometimes there are outside difficulties which prevent an employee from doing his best work.

The five standard options on each statement are, respectively: "Decidedly Agree,"

<sup>10</sup> Richard S. Uhrbrock, "Attitudes of 4430 Employees," *Journal of Psychology*, V (1934), pp. 365-77.

<sup>11</sup> Harold B. Bergen, "Finding Out What Employees Are Thinking," *The Conference Board Management Record*, (New York: National Industrial Conference Board, Inc., 1939), I, No. 4, pp. 53-58.

<sup>12</sup> The writer used such a modified form of psychophysical scale in the United States Department of Agriculture in 1941 for the purpose of post-testing for validity. The results obtained were highly satisfactory. A discussion of the results appears in the writer's dissertation, "Measurement of Morale in the Government Service," on file at Syracuse University.

<sup>9</sup> Louis L. Thurstone and Ernest J. Chave, *The Measurement of Attitude*. (Chicago: University of Chicago Press, 1929).

"Tend to Agree," "Undecided," "Tend to Disagree," and "Decidedly Disagree." Thus each statement, in effect, is a miniature psychophysical scale to which employees can respond in varying degrees of satisfaction or dissatisfaction. The entire scale of 112 statements need not be used if the surveyor prefers less coverage or would like to add certain statements covering features of work peculiar to the employees of a specific organization.

An advantage of the modified form of psychophysical scale as compared with the Thurstone-type scale may be noted. The modified form permits greater coverage, being similar to a multiple-choice questionnaire having standard options for each statement. The construction of the modified form of psychophysical scale thus overcomes the restricted coverage which characterizes the Thurstone-type scale when used to survey employee attitudes. The modified form, containing a rich gamut of scaled statements, eliminates the need for further rating or scaling of statements except at infrequent intervals. This is a definite advantage, inasmuch as pretesting statements for use in a psychophysical scale is both costly and time-consuming.

The results obtained in constructing the modified form of psychophysical scale corroborate the findings of Uhrbrock and Bergen, namely, that there is sharp and stable agreement regarding the morale significance of many features of work and work environment. This agreement is highly significant. It indicates that many recurring features of work and work environment have important morale significance in virtually any organization.

### Conclusions

ALTHOUGH many recurring features of work and work environment have important morale significance in any organization, it does not follow that preliminary

analysis is undesirable before deciding upon the scale statements or questionnaire items to be used in an employee attitude survey. A limited amount of interviewing and analysis is usually desirable before polling employee attitudes. Such preliminary analysis may indicate that a number of new statements should be drafted and used, and many may be used repeatedly in survey after survey. These statements or items concern employee attitudes toward personnel policies and practices, top administration, supervision, fellow employees, attributes of the job, and physical conditions of employment.

The mechanics of conducting employee attitude surveys and the manner of following up on the results of such surveys are subjects which have been touched upon only slightly in this discussion. Both subjects warrant attention by any administrator who is considering a survey of employee attitudes. It may be noted too that unless the administrator and his staff have had actual experience in making employee attitude surveys, they should obtain the assistance of a consultant. The consultant should be experienced in the mechanics of administering attitude surveys as well as in the analysis of data and in techniques of following up on the results of surveys. For best results, surveys should be made periodically, that is, at six-month or yearly intervals.

The employee attitude survey, properly administered, is a valuable tool for discovering how employees actually feel about various features of work and work environment. It provides a sound basis for evaluating the effectiveness of administrative policies and practices as well as for taking positive action to improve employee morale and to increase productivity. If positive action is taken over a period of years, employee attitudes, rigid or complex though they may be, can be improved to the benefit of everyone concerned.

# Developing Job Performance Standards in the Federal Government . ELDON E. SWEETZ

THERE IS AN AREA of action in every supervisory position that has received too little precise attention by top management, supervisors, and workers, or by the technicians in the management field. No supervisor can long escape appraising the work performance of the individual employees of his organization and the total performance of the work team.

Attention to techniques of appraisal has been confined until the current decade to development of merit rating scales and, to a limited extent, to the quantitative and qualitative production standards resulting from time, motion, or work count studies. If appraisal is to become an effective and versatile tool for the supervisor, increased attention must be given to the establishment of criteria against which *all* aspects of actual performance can be judged.

This constitutes a definite problem in management that is well known to the supervisor who has been required to select personnel for promotion, determine the extent of training each employee requires to reach full competence, reward or correct for outstanding or weak performance, and perform other supervisory tasks involving the determination of the quality of employee performance.

These criteria are now being established in the United States government through the standards-of-performance programs of several federal agencies. The results have been sufficiently broad to permit the statement of definite conclusions as to the characteristics and uses of standards, and the methods for establishing them. The concepts stated here are the re-

sults of actual experience. Space limitation makes it impossible to present as many examples as would otherwise seem desirable.

## *Requirements of Job Performance Standards*

A STANDARD OF PERFORMANCE is a yardstick against which each employee can be judged in order to determine the adequacy of his performance. It is the level at which any reasonably competent employee is expected to perform in a specific position, under existing conditions. Each standard must be "tailor-made" for the tasks making up the position so that the true adequacy of the individual employee may be determined by comparison against position requirements.

The twelve requirements that have been found essential in a reasonable standard are:

1. It must be *attainable* or employees will not experience the success needed for motivation.
2. It must be *exceedable* or employees cannot be separated into adequate, inadequate, and outstanding.
3. It must be *high enough* to meet management's needs.
4. It is *not based solely upon average output* since the average may be misleading.
5. It is *not at the level attained by the present occupant*. He may be more or less than adequate to management's needs.
6. It is *not based upon "pace-setter" results*.
7. It must be *complete* in covering all normal tasks.
8. It must be *written* to provide a continuing evidence of understanding.
9. It must be *developed with the help*

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of employees if its acceptability is to be assured.

10. It must be *established by the supervisor* of the employee concerned.

11. It must be *reviewed and accepted* by top management as a base for operations.

12. It must be *kept up to date* by periodic review.

Clearly defined standards of performance possessing these characteristics can be and have been established for every type or level of position. A misconception exists that standards must be based upon measurable work output. It is recognized that specific quotas of work units to be completed cannot be established for the majority of nonroutine, administrative, or executive tasks. It has been found that standards of performance need not be based solely upon work measurement or time study results. Standards for tasks in which there is unmeasurable output can be defined by description, in clear and unequivocal language, of the effects desired from the employee's performance on the job or by the setting of time limits within which action is to be completed or initiated.

Regardless of the level of job that is to be analyzed to establish standards of performance, the same techniques will provide satisfactory results. The procedure is the same, the types of criteria are the same, and the abstruse vocabulary to be avoided is the same. It is first necessary to stop talking about functions, duties, and responsibilities, and start using tasks as the basic unit in the description of standards. It should not be assumed, however, that the establishing of a standard for the head of an activity will be as simple a procedure as establishing one for his secretary.

### *Job Performance Characteristics*

THE BASIC UNIT in the technique for establishing standards is the *Task*. When the entire content of the job is detailed as tasks performed, it is possible to be specific

about the performance required. List the tasks that are performed in carrying out the functions and meeting the responsibilities of the position. Express them in action words that are not capable of multiple interpretation.

There are nine characteristics of performance that must be considered in setting a standard of performance for any task. Not all of them are pertinent to every task, and the degree of importance to be attached to a characteristic will vary from position to position even though the task appears to be the same. Each of these characteristics will be discussed in the light of experience gained in establishing standards at various levels of positions.

The *quantity* of work to be produced can be established as a standard on many routine tasks and on some of more nonroutine nature. It becomes increasingly difficult in tasks of nonroutine or administrative character.

Interviews 6-8 persons per day, the work load demanding it.

The techniques of work measurement and statistical analysis are here of major value. Where there is significant variation in the volume of work or difficulty in completion of single work units, the standard should be expressed as a range. The limits of the range of adequate performance should be narrow enough that inadequate performance is not consistently rated as satisfactory and outstanding employees who produce more than adequately are not penalized by grouping them with those who only meet the standard. The time period over which standard and actual performance are compared must be of sufficient length to eliminate the more erratic fluctuations in work flow and short enough to facilitate evaluation of performance at frequent intervals.

In many tasks it is impossible to establish a definite quantity that must be produced to meet the requirements of the job. But a *time limit* within which the task should be started or completed can be determined for a large proportion of these tasks. This type of criterion is of

particular importance in the setting of standards for administrative or nonroutine clerical tasks.

Answers questions at meetings, or admits lack of knowledge, and starts action to get answer to questioner within from  $\frac{1}{2}$  to 1 working day after return to office.

As with the quantity standard, it is frequently necessary to express the time standard as a range.

The remainder of tasks, those on which exact quantity or time limits cannot be used as standards, can be covered by a definite standard by describing the *effect obtainable* from an adequate amount of work. This is the most difficult type of standard to establish and, therefore, the most frequently neglected. The supervisor now has a mental standard for these tasks. It remains for him to reduce that ethereal standard to a definite statement so that both he and the employee will be able to understand what is expected.

Processes a sufficient number of purchase requisitions so that no item of general supply remains out of stock for more than 15-30 days because of delay in initiating procurement.

Most of the tasks in this group are found in administrative positions. It is with this group of tasks that the strongest urge is felt to resort to the somewhat tarnished "glittering generalities" to describe the performance desired. Such phrases as "usually," "generally," "in most instances," must be clearly interpreted to the employee at some time if he is to be expected to control his own performance and keep it above the minimum level acceptable. Since these interpretations are the actual standard, they should be written rather than continue to be subject to change without the employee's knowledge.

In the vast majority of positions the results alone are the measure of adequacy. It is not important that the employee achieves the desired result by the application of a specified method; the only thing that matters is that he achieves it. There are, however, some tasks in which it is vital that prescribed methods be followed. In such cases, the *method* should appear as a part of the standard of performance.

Prepares budget estimates and justifications in accordance with the current year's call for estimates.

Method should be used sparingly because of the rapidity with which procedures change on some tasks and also because its inclusion in the standard will tend to inhibit independent employee action to improve his work methods.

The accuracy with which work operations are carried out by the employee is of equal importance to the actual quantity produced. Accuracy standards must, therefore, be established on all tasks. This applies equally to physical work units and to the exercise of judgment. There are three types of standards that reach this aspect of performance. The most desirable is a definite *error rate* expressed as the proportion of work produced in which a competent person can be expected to make errors.

Not more than 2-4% of proposed classification actions changed upon review by supervisor.

Accuracy of performance of tasks for which this is not possible can be covered through a description of the *results of adequate accuracy*.

Inspection of construction projects made with sufficient accuracy that defects affecting the functioning of the facility are discovered before completion is certified.

There is a special aspect of accuracy in those tasks producing a tangible work product. For these tasks the physical *appearance* of the adequate product is described in the standard.

Work areas under his supervision are clean, arranged according to standard pattern, and free of controllable safety hazards caused by bad "housekeeping" practices.

Adequate performance of some tasks requires that the employee acquire knowledge in addition to basic qualifications for employment. The description of evidence of such *knowledge* is a necessary part of the standard.

Sufficient knowledge of the functions of the organization to be able to refer correspondence to correct department ———% of the time.

This is not needed, however, when ade-



quate knowledge is reflected in ability to meet other portions of the standard.

There remains one type of standard, and it is the one most likely to be misinterpreted. The description of the *personal characteristics* required of adequate employees must appear in the standard of the tasks involved. Voice characteristics, personal appearance, behavior, evidences of proper public contacts are appropriate categories to include in this standard.

Speaks clearly and distinctly enough to be understood by persons to whom message is being sent.

Lack of understanding of what is encompassed here results in supervisors attempting to include the display of initiative, resourcefulness, industry, etc., as a part of the standard. The display of these traits is required in relation to matters covered by other types of standards and should, therefore, not appear separately.

Use of these nine types of standards started because of supervisory inability to visualize the entire standard at once. Again and again the effectiveness of this approach has been demonstrated.

#### *Develop Standards at Supervisory Level*

THE NECESSITY for adjustment of standards to individual job situations makes the selection of the persons who are to establish the standard a matter of paramount importance. Rarely is any person except the immediate supervisor close enough to the job and to all factors affecting performance requirements to establish an equitable and workable standard. In some agencies, standards have been developed at higher levels and distributed for application and adaptation. The majority have found it more desirable to develop them at the supervisor's level and achieve the necessary comparability of standards through administrative review. Experiments have borne out the advisability of this approach. It has been found that the responsibility for initial establishment of the standard must not be usurped by higher levels, unless they are willing to pay the high price of confused

lines of communication, uncertain authority, and unaccepted standards.

Ability of a supervisor to develop standards meeting the twelve requirements of a reasonable standard and covering all of the nine characteristics of performance that are applicable has been found to depend largely upon his personal willingness to do the job. This attitude is, in turn, materially influenced by his understanding of the objective and technique of the program. From my personal experience I have found less than 5 per cent of supervisors unwilling to undertake the task, and I feel sure that others working in this field have had similar experience.

The understanding that is a base for such willing acceptance is most effectively created through a program of training. Typical of the training given is the program of the Civil Aeronautics Administration. Supervisors are assembled in small groups and receive basic instruction in the objectives, techniques, and application of the standards program. These conferences are an integral part of the Supervisory Development Program, a continuing effort to improve supervisor competence. After the conferences, each supervisor is given individual attention to insure his grasp of the method to be used. Special emphasis is placed upon the need for description of "adequate" rather than "ideal" performance.

Some supervisors maintain that they cannot accept any performance below perfection. These supervisors must be reassured that the standard at the adequate level will materially assist in separating satisfactory from both outstanding and inadequate employees. He will thus be able to concentrate his attention on improving the weaker members of the team, stimulating the adequate to even greater effort, and encouraging the outstanding to maintain their record.

Under ideal conditions it should be possible to assign the preparation of standards to supervisors, accompanying the assignment with a general set of rules to be followed. The constant attention to

infinite detail in the daily operation of their tasks has to some extent created an impediment in the supervisor's mind to the imaginative thinking process needed to set standards. It is necessary, therefore, to go beyond this ideal minimum and give supervisors a more detailed description of technique and some examples of what is desired.

Experience indicates that few supervisors start with definite concepts of the level of adequate performance actually required by the job. Many times, initial drafts of standards are stated in terms of ideal performance. This is true even though the employee himself has assisted in the preparation of the standard.

There is a common tendency of supervisory personnel to expect the persons charged with carrying out the program to state the standards that should be used in their most difficult problems. This is particularly true in the training sessions. When it occurs, the best results have been obtained by turning the requests for standards back upon the questioner by asking just what he has been using in the past to rate the performance of the employee. By so doing it is emphasized that only in the mind of the supervisor is there a sufficient comprehension of the job to establish a standard for performance for the specific position.

During the training process it is also emphasized that the supervisor who secures the help of the employees in the establishment of the standards will find that he profits from their better understanding of their jobs and attitudes, their more enthusiastic acceptance of the standards, and their larger sharing of the work load.

The plan for establishment of standards should make provision for discussion with the employee or group of employees involved, in addition to distribution of copies of the statement, since acceptance of the standard by the employee will do much to overcome resistance to the program. The discussion should present the standard, make certain that all parts of the statement are clearly understood, and at-

tempt to secure the employee's agreement that the performance requirements contained in it are fair and equitable. Objections raised by the employee should serve to indicate points that require clearer, more definite wording or more careful examination by the supervisor to insure fairness. This is not to imply that the supervisor is to alter his standards solely because of refusal of an employee to accept the level of performance required. In the final analysis, the supervisor must retain the executive responsibility for decision as to adequacy of the standard in the light of requirements of good management and the work goals of the organization.

#### *Administrative Review of Standards*

REVIEW OF STANDARDS of performance by levels of supervision above those establishing the standards is an essential safeguard of the equity and adequacy of the performance required. This review must consider the general adequacy of the performance required; the levels for similar jobs in different organization segments; the relationship between the standards for positions in different phases of the same work process; and the relationship at different levels within the organization.

In many organizations, personnel performing similar tasks are employed in different segments. It is essential that the standards of performance for these personnel be generally comparable. It cannot be said that these standards should be uniform or equal, since the environment in which the employee must work will vary, and the emphasis on tasks will be different. It is the responsibility of reviewing officials, however, to see that the standards used in different segments under their control are *equitable* to all employees engaged in similar tasks. The use of evaluation results obtained under any system of standards which does not do this is open to serious question since the performance of two or more employees cannot be accurately compared unless there is a comparable yardstick for measurement.

Equal vigilance should be exercised to

guard against inequity between different levels of the organization. Employees at one level in the organization should be required to perform in a sufficiently proficient manner to enable the next higher level in that organization to meet its collective standard.

Standards for positions at successive stages of work process can be used as an effective tool for the elimination and prevention of bottlenecks in production. Upon review of the standards it should be determined that no employee is required to produce a quantity or quality of work that will cause work processes to get out of alignment needlessly. The quantity of work required must not be such as to pile up at the next step in the process, nor so small that by performing adequately one employee or group of employees can prevent another from attaining the standard.

Each supervisory or executive employee of the organization is required to obtain certain results from his organization segment. He, in turn, must require a definite contribution from each member of his staff if he is to achieve the goal set for him. The standards of performance established must be reviewed to insure that the entire work team will achieve the common goal.

Other types of review have been found desirable after standards are initially established. The statements prepared by supervisors should be carefully scrutinized to eliminate ambiguous statements; to insure complete coverage of the job; and, through periodic audits, to make certain that standards are being revised to reflect changes in job content.

#### *Use and Benefits of Performance Standards*

ADMINISTRATION of the program offers three alternatives. The most desirable method of covering the organization and training supervisory employees is to give attention to one organization unit at a time. By use of this approach, all supervisors within one organization area will receive the same instruction, with the same

emphasis and the same interpretation. They will be able to render mutual assistance in the development of standards since they will have a common understanding of operating problems because of their organizational proximity. This approach will also facilitate the adjustment during latter stages of the program in order to insure equity to all employees. When this method is used, the presence of the top supervisor of the organization segment gives excellent evidence of management support. He also motivates subsidiary supervisors to greater effort through the realization that their own supervisor is also setting and applying standards of performance. Another result of this working together in establishing standards of performance has been the improvement of operating relationships that results from pooling experience and knowledge in training sessions and conferences.

Establishment of standards by occupational group has been found to be less desirable. This method requires much adjustment of standards within a unit as additional occupations are covered. In addition, it has lacked the motivation of standards being applied simultaneously to all members of the work team.

The use of the "complete coverage" or "one-shot" approach has encountered difficulties because of the dispersion of effort and the resultant inability to give all the help needed by supervisors.

Placing the responsibility for the establishment of standards within the normal sphere of supervisory control also does much to insure their use in daily management activities. Knowledge of the standard and acceptance of it increases the probability of its use. However, supervisors do require instruction in the use of this versatile tool as well as in the methods to be followed in establishing it.

Through the use of a known standard of performance for the employee to fill a position, the selection of someone to perform the required task has been accomplished with greater accuracy. There is a

close analogy between the use of standards of performance in determining qualifications required for employment and the use of stress and load data in determining the specifications of structural steel for use in a particular building.

The instruction of employees is expedited when standards are available for use in appraising employee performance. The determination of the need for training is frequently neglected by supervisors because of the absence of specific indicators.

Task lists prepared as part of the standards of performance provide useful information to classification analysts in the evaluation of tasks, duties, and responsibilities. In this particular area much interest is now being evidenced in the possibility of using the standard of performance statement as the basic document for position classification.

The one use of standards of performance that has received wider attention than any other is the merit rating. Rating of employee efficiency through the use of a written standard of performance is more closely related to the actual task performed by an employee. Because of this consideration alone, agencies are being authorized to abandon the present efficiency rating system based upon 31 general elements and substitute for it a rating based upon the actual tasks performed by the employee. The existence of a written standard further encourages the supervisor to make appraisal of employee performance a regular part of his day-to-day management activity.

Supervisors are finding the problem of determination of personnel needs considerably simplified and the justification of budget estimates less uncertain through the use of a definite standard. This is true even though the tasks involved are not susceptible to quantitative measurement. In all cases the description of effects

of adequate production has been found to be of value.

None of the benefits enumerated here are to be obtained simply through the establishment of standards. The full value of this management tool will be obtained only through its continued widespread use by every management element of an organization.

At the present time, standards are being prepared for positions at all levels in various agencies. The programs of the Civil Aeronautics Administration and National Bureau of Standards in the Department of Commerce, the Civil Service Commission, the Department of the Army, the Department of Agriculture, the Social Security Board, the Bureau of Prisons in the Department of Justice, and the Economic Cooperation Administration are all based upon the same general principles described here. Interest in this type of program has been evidenced by almost every other agency. The establishment of standards has been encouraged by the Civil Service Commission and by the Civil Service and Post Office Committees of the Congress. A sharing of experience in this area has enabled agencies to make considerable progress since the first program of this type was inaugurated in the Office of the Surgeon General, War Department in early 1944.

Standards prepared by this method are not an answer to all management problems. When, however, they have been used in conjunction with other existing techniques the results have been very profitable. Continued work is needed to bring this newest addition to the management tool kit to its peak effectiveness. There are undoubtedly other methods of solving these same problems. Experience shows us, however, that we have in standards of employee performance a practical tool that works.

# The 1948 Annual Conference on Public Personnel Administration . A PROGRAM SUMMARY

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**T**HE THIRTY-NINTH Annual Conference on Public Personnel Administration, sponsored by the Civil Service Assembly of the United States and Canada, was held in Ottawa, Canada, on October 4, 5, 6, and 7, 1948. The headquarters hotel was the Chateau Laurier. The annual business meeting of the Civil Service Assembly was held in conjunction with the conference.

## *Monday, October 4*

THE CONFERENCE was called to order by President Blaine Hoover at 10:30 A.M. Mr. Hoover opened the meeting with a short introductory address, followed by a welcome to Canada by Charles H. Bland, Chairman of the Civil Service Commission of Canada. Mr. Hoover then called on James M. Mitchell, Director of the Civil Service Assembly's Headquarters Office, for a report on the activities of the Headquarters Office during the past year. Mr. Mitchell described briefly the Assembly projects completed and in progress. The President announced appointments to the nominating and resolutions committees as follows:

*Nominating Committee.* Chairman, Harold A. Lang, Supervisor, Washington State Personnel Board; Laura B. Lewis, Director, Louisville Civil Service Board; William T. McDonald, Director, Departmental Civilian Personnel, Department of the Navy; H. M. Morrison, Chairman, British Columbia Civil Service Commission; and Thomas J. Patten, Personnel Director, Kansas City Personnel Department.

*Resolutions Committee.* Chairman, Charles A. Meyer, Assistant Secretary and Chief Examiner, Detroit Civil Service Commission; Harry Albert, Assistant Personnel Director, San Francisco City and County Civil Service Commission; Esther

Bromley, Commissioner, New York City Civil Service Commission; Thomas J. Greehan, Director, Massachusetts Department of Civil Service and Registration; Ray Mullins, Director of Personnel, Jefferson County Personnel Board, Alabama; Luther Steward, President, National Federation of Federal Employees; and Robert D. Stover, Director, Minnesota State Civil Service Department.

The first morning's session was concluded with a "program briefing," in which the Director of the Headquarters Office outlined the details of the conference program for the information of the delegates.

At the luncheon session, official welcome to Canada was extended to the delegates by Colonel the Honorable Colin Gibson, Secretary of State of Canada, and by Dr. G. M. Geldert, Acting Mayor of Ottawa. The guest speaker at the Monday luncheon was Sir Percival Waterfield, First Commissioner, Civil Service Commission of Great Britain, who spoke on "Post-War Recruitment to the British Civil Service."

Eight concurrent round-table sessions for representatives of member agencies were held on Monday afternoon on the general topic "Progress in 1948." Chairmen of the eight sessions were: George T. Bell, Director of Personnel, City of Toronto; Roy A. Dillon, Supervisor, Oklahoma Merit System of Personnel Administration; K. N. Gardner, Personnel Officer, Norfolk Bureau of Personnel; L. D. Humes, Executive Secretary and Chief Examiner, St. Petersburg Civil Service Commission; Eugene C. Mathivet, Jr., Personnel Director, Wayne County Civil Service Commission; Harry B. Mitchell, President, United States Civil Service Commission; Robert D. Stover, Director, Minnesota State Civil Service Department; and Carl



T. Sutherland, Director, Atlanta Personnel Board.

*Tuesday, October 5*

THE SECOND DAY of the conference began with a series of thirteen group breakfast sessions, each session guided by a discussion leader and a co-leader. Delegates at the various tables took part in discussions of the following topics: "Legal Problems of Civil Service Commissions," "Integrating Employment Service and Unemployment Compensation Classes," "Recruitment and Retention of Scientists in the Public Service," "Selling a New Position-Classification Plan," "Developing Effective Promotional Policies," "Work Week and Overtime Practice," "Military Leave Policies in Relation to the Federal Draft Act," "Age Limits in the Selection and Retention of Employees," "Facilitating Interdepartmental Transfers," "Personnel Councils in Action," "Improving the Working Environment," "Employee Health and Welfare Programs," and "Operating Appeals Machinery."

The Tuesday morning program continued with three concurrent sessions. At one of these sessions a paper, "Public Personnel Agency Relationships with Universities," was presented by Dean Paul Appleby of the Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University. Chairman of this session was Joseph A. Connor, Regional Director, Seventh Region, United States Civil Service Commission.

The second Tuesday morning session, with Charles H. Cushman, Director of the Rhode Island Department of Civil Service, as chairman, was on the subject of "Selecting and Training Supervisors." The principal speaker at this session was Harry L. Case, Director of Personnel, Tennessee Valley Authority.

"Improving Public Management" was the subject of the third session. J. R. Simpson, Director, Organization and Methods Division of H.M. Treasury, delivered a paper, and George T. Jackson, Director of Organization and Classifica-

tion, Civil Service Commission of Canada, was chairman.

For Tuesday afternoon the Ottawa Host Committee arranged a sight-seeing trip and a series of inspection tours to points of interest in and near Ottawa, including among others, the Parliament Buildings, the Royal Canadian Mint, and the offices of the Canadian Civil Service Commission. The tours and sight-seeing trip were followed by dinner, entertainment, and dancing.

*Wednesday, October 6*

TWO CONCURRENT sessions opened the Wednesday morning activities, one on the "Role of the Commissioner in Public Relations" led by Thomas V. LoCicero, Vice-Chairman, Wayne County Civil Service Commission, as chairman. The other session, "Handling Pay Problems during Inflation," featured papers by Herbert W. Cornell, Secretary, Milwaukee City Service Commission, and Edmund Ricketts, Staff Member, Public Administration Service. The session was led by John F. Fisher, Executive Officer, California State Personnel Board.

The annual business meeting of the Civil Service Assembly of the United States and Canada convened at 11:15 Wednesday morning. As the first order of business, President Hoover called for the report of the nominating committee. Harold A. Lang, chairman of the committee, reported the committee's recommendations as follows:

*For President:* George T. Jackson, Director of Organization and Classification, Civil Service Commission of Canada.

*For Membership on the Executive Council:* Albert H. Aronson, Chief, State Technical Advisory Service, Social Security Administration (regular three-year term); Charles A. Meyer, Assistant Secretary and Chief Examiner, Detroit Civil Service Commission (regular three-year term); and Esther Bromley, Commissioner, New York City Civil Service Commission (for the two-year unexpired portion of Mr. Jackson's term as a member of the Executive Council).

After receiving the report of the nominating committee, President Hoover then called for further nominations. There being none, a motion was made, seconded, and carried, instructing the Secretary to cast a unanimous ballot electing George T. Jackson President of the Assembly for the coming year, electing Messrs. Aronson and Meyer as members of the Executive Council for regular three-year terms, and electing Mrs. Bromley as a member of the Executive Council for a two-year term.

The President then read a letter from Dr. Leonard D. White, Chairman of the Assembly's committee on work stoppages in the public service. Dr. White reported that the committee had deliberated at considerable length in an effort to draft a report, but that it had been unable to reach an agreement on the substance of such a report. The committee chairman therefore requested that it be discharged from further consideration of the problem. It was moved, seconded, and carried that the committee on work stoppages be dismissed.

Following this action, the President called for the report of the resolutions committee. Mr. Charles A. Meyer, chairman of the committee, then presented the following resolutions, upon which action was taken as indicated:

Upon motion made and seconded the following resolution was adopted:

BE IT RESOLVED, that the members of the Civil Service Assembly of the United States and Canada, convening in Ottawa, Canada, October 4-7, 1948, express their sincere and deep appreciation of the cordial hospitality extended by the Dominion of Canada throughout the Conference.

Upon motion made and seconded the following resolution was adopted:

BE IT RESOLVED, that a heartfelt vote of appreciation be extended to the finest Host Committee it has been our pleasure to meet. Its warm welcome and gracious generosity will be long remembered.

Upon motion made and seconded the following resolution was adopted:

BE IT RESOLVED, that the members of the Civil Service Assembly convened in Ottawa, Canada, October 4-7, 1948, express their appreciation

to the many industrial, commercial, governmental, and employee organizations for their provision of facilities, information, entertainment, and friendliness which so materially contributed to a most successful conference.

Upon motion made and seconded the following resolution was adopted:

BE IT RESOLVED, that the members of the Civil Service Assembly of the United States and Canada assembled in Ottawa, Canada, October 4-7, 1948, express their deep appreciation for the cordial hospitality and excellent service provided by the Chateau Laurier and the Lord Elgin hotels.

Upon motion made and seconded the following resolution was adopted:

BE IT RESOLVED, that the members of the Civil Service Assembly express their deep appreciation of the outstanding services rendered by the officers who have given so wholeheartedly of their time and energy in considering and solving the many problems affecting the Assembly's growth and progress.

Upon motion made and seconded the following resolution was adopted:

BE IT RESOLVED, that the members of the Civil Service Assembly express their thanks and appreciation to the staff handling registration activities for their able and gracious performance.

The chairman of the resolutions committee then read the following resolution:

BE IT RESOLVED, that the Civil Service Assembly of the United States and Canada record itself as opposed to the employment of Communists in the public service on any level. And be it further resolved that Communists and Communist-dominated organizations be denied membership in the Assembly.

A motion was made to adopt the resolution. At this point, President Hoover turned the chair over to Harry Albert, Chairman of the Western Region and one of the Assembly's Vice-Presidents. Mr. Hoover seconded the motion and addressed the members in support of the resolution. The resolution was then voted on and carried.

President Hoover resumed the chair and informed the members that in accordance with the by-laws of the Civil Service Assembly, the Executive Council had nominated three persons for lifetime honorary memberships in the organization. The members thus nominated by the Executive Council were Clifford N. Amsden, Secretary and Chief Examiner of the Los

Angeles County Civil Service Commission, Charles H. Bland, Chairman of the Civil Service Commission of Canada, and Charles P. Messick, Secretary and Chief Examiner, New Jersey State Civil Service Commission. The members voted unanimously to award the honorary life memberships, and as the memberships were presented, the following citations were read by Mr. Ismar Baruch:

**Clifford N. Amsden**

*Citation for Lifetime Honorary Membership in the Civil Service Assembly of the United States and Canada Awarded at Ottawa, Canada, October 6, 1948*

Formerly as General Manager of the Los Angeles City Civil Service Commission, and for the past decade and a half as Secretary and Chief Examiner of the Los Angeles County Civil Service Commission, you have expounded in principle and demonstrated in practice the public values of a well-rounded program for the administration of the merit system of employment. Among the leaders who early brought to bear on the daily problems of public personnel administration a set of modern tools and concepts, you have devoted special energy and thought to those cooperative efforts, among jurisdictions and between public personnel agencies and professional and technical groups, which promote harmony of spirit and unity in action.

You have been frequently selected by the members of the Assembly to serve on the Executive Council. Twice you responded to the Assembly's call to the post of President of the Assembly. In these capacities and as member or chairman of various committees, you have given to the Assembly steadfast allegiance and constructive enthusiasm; you have cherished the ideals and objectives of the Assembly; and you have helped guide the Assembly's course, developing and strengthening its status and potentialities as an instrument for the improvement of the public service.

Your attributes of vision and ability, your professional life of distinction and achievement, and your place as a leader in public personnel administration and in the councils of the Assembly, amply merit the recognition of honorary membership which the Assembly now bestows upon you.

\* \* \*

**Charles Heber Bland**

*Citation for Lifetime Honorary Membership in the Civil Service Assembly of the United States and Canada Awarded at Ottawa, Canada, October 6, 1948*

Entering the civil service of Canada by competitive examination in 1909, your progress has been steady, including the period of World War I, when you put aside your personal concerns to serve your nation in time of war.

Your ability led to your advance to Chief Examiner of the Civil Service Commission of Canada in 1921, to Civil Service Commissioner in 1933, and to Chairman of the Commission in 1935.

As Chairman of the Civil Service Commission of Canada, with traditional integrity and fresh imagination, you have discharged effectively your heavy responsibilities to the Dominion during periods of social and economic instability, with great credit to yourself and your colleagues.

For many years as a member of the Executive Council of the Civil Service Assembly of the United States and Canada and twice its President, you have contributed generously of your time, energy, and counsel to the securing of its objectives. You have an assured place of honor in the annals of the Assembly.

Rarely does one man's history embrace a brilliant rise to the highest post his government can give in the field of public personnel administration; rarely is the governmental concept and promise of a career in the public service so well epitomized in the history of the individual.

The Assembly is delighted to do you honor by conferring upon you the status of honorary membership.

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**Charles Polk Messick**

*Citation for Lifetime Honorary Membership in the Civil Service Assembly of the United States and Canada Awarded at Ottawa, Canada, October 6, 1948*

Recipient of honors from institutions of higher learning, a recognized authority and consultant on public personnel administration, your distinguished service since 1910 with the Civil Service Commission of the State of New Jersey deserves special recognition by the Assembly. You were a pioneer in developing and administering an adequate competitive test program; you early took the lead in organized training in and for the public service; and as Chief Examiner and Secretary for many years you have not only ably directed the civil service program of the State but you have made your mark in relating public personnel administration to budgetary and other phases of overall management.

Your service as an official of the Assembly dates back thirty years. As member of the Executive Council for many years, as member of special committees on frequent occasions, and three times as its President, you made vital contributions to the Assembly's growth and development, helping to shape its early policies and bringing it wide recognition among public personnel agencies and public administrators.

Not many years ago, as a sterling guide and direction to public employees, you composed "The Civil Servant's Pledge of Faith and Service." Your own career demonstrates a personal fulfillment of that pledge: you have unswerving faith in your country and its institutions; you believe devoutly in the dignity of all public service; you strive unceasingly through your acts and your work to realize the purposes for which government is established. By these qualities you have won and merited the esteem and respect of the people. By these qualities you merit the distinction of honorary membership which the Assembly now confers upon you.

Brief reports were then given covering the activities of the Assembly's four Re-

gional Conferences. They were presented by Charles H. Cushman, Past-Chairman, Eastern Regional Conference; Charles A. Meyer, Past-Chairman, Central Regional Conference; Edwin L. Swain, Past-Chairman, Southern Regional Conference; and Harry Albert, Chairman, Western Regional Conference.

There being no further business to come before the meeting, upon motion duly made and seconded, the meeting was adjourned.

The Wednesday afternoon program began with a talk by Inspector G. J. Archer on the selection and training of Royal Canadian Mounted Police. Two concurrent sessions occupied the remainder of the afternoon. One session was devoted to "Advances in Positive Recruitment Methods." Philip R. Berger, Secretary and Chief Examiner, Alameda County Civil Service Commission, was chairman of this session. The other session, "Developing Job Performance Standards—What Has Been Done," was led by Robert R. Johnson, Director, Oregon State Civil Service Commission, and featured papers by Eldon E. Sweezy, Training Officer for Supervisory and Administrative Personnel, Civil Aeronautics Administration, U. S. Department of Commerce, and William K. Smith, State Training Officer, California State Personnel Board.

At the Government Dinner on Wednesday evening, the Dominion of Canada was host to the Conference delegates. Guest of honor for the occasion was the Honorable

Louis St. Laurent, Prime Minister of Canada. The guest speaker for the evening, Mr. Leonard W. Brockington, spoke of the common ties between Canada and the United States in the present-day world.

#### *Thursday, October 7*

ON THE LAST MORNING of the conference, there were two concurrent sessions. One was a panel, led by Edward L. Cushman, Director, Institute of Industrial Relations, Wayne University, on "The Role of Employee Organizations in the Public Service." The other session was on the subject of "Personnel Research—Where Do We Stand Today?" Chairman of this session was Charles A. Meyer, Assistant Secretary and Chief Examiner, Detroit Civil Service Commission, and papers were given by Joseph W. Hawthorne, General Manager, Los Angeles City Civil Service Commission and by Henry F. Hubbard, Executive Vice Chairman, Federal Personnel Council. Mr. Hawthorne's paper was entitled "Readjusting Our Sights," and Mr. Hubbard's, "A Practical Approach."

At the Thursday luncheon session, which brought the conference to a close, the guest speaker was David Sim, Deputy Minister of National Revenue of Canada. Mr. Sim discussed the working of a civil service program from the standpoint of an official of an operating department.

Canadian delegates held a postconference session on Thursday afternoon to discuss topics and problems of special interest to personnel agencies in the Dominion.

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## Legal Aspects of Public Employee Relations

Last March the City of Los Angeles, confronted by a strike of some of its Department of Water and Power employees who were members of trade unions made up largely of employees in private enterprise, brought a proceeding to enjoin the Los Angeles Building and Construction Trades Council and its 150 affiliated locals from coercing or intimidating the city's employees to join the strike in sympathy with the private unions. The city's employees were engaged along with employees of private contractors in a construction project expanding the facilities of the city's water and power board.

The specific issue which was raised in the September Court (for the County of Los Angeles) was whether a strike, with its normal incidents, may be declared and maintained against a municipal corporation for the purpose of requiring the municipality to bargain collectively with respect to its operation and enlargement of its publicly owned facilities, supplying water and electricity to the City of Los Angeles. Of the 420 city employees who were engaged on the construction projects, only 90 were members of the trade unions.

The labor unions had demanded that the city department "unionize the projects" and among other things: (1) conform the department's position classification to those recognized by the unions; (2) conform the department's positions to the respective craft jurisdictions and pay classifications; (3) appoint foremen of the craft to supervise men of the same craft in accordance with union requirements; and (4) that the city department "pay union wages on the work done." The union also sought to compel the city to require all its city employees engaged on the construction projects to become members of one of the unions, or be discharged from the city's employ, or kept off the projects.

The court upheld the city's contention that the unions may not strike against the city or employ pickets to publicize the union's labor claims or charge the city with being unfair to labor unions. (See *Public Personnel Review*,

April, 1948, p. 147, for review of *City of Los Angeles v. Los Angeles Building and Construction Trades Council*.)

This sweeping decision of the California Superior Court followed soon after an equally sweeping decision of the Missouri Supreme Court (*City of Springfield v. Clouse*, 206 S. W. 2d 539, Nov. 1947) which held that a municipality may not engage in collective bargaining with its employees under guise of authority allegedly granted by a statute delegating to municipalities of the state of Missouri the power to fix conditions of employment for their employees. The court held such general statute may not be construed as authorizing collective bargaining by municipal governments with its employees, for municipalities may not abdicate their legislative responsibilities.

The reasoning of the California and Missouri courts followed closely similar reasoning of the Florida Supreme Court in *Miami Water Works, Local 654 v. City of Miami*, 26 So. 2d 194 (1946) and the Ohio Appellate Court in *City of Cleveland v. Division 268 Amalgamated Association of Street Railway Employees*, 30 Ohio Ap. 495. The Ohio court held (1) that the transit board could not enter into a valid agreement with a labor union to recognize the union as the exclusive bargaining agent for employees of the street railway system; (2) that the board could not pledge itself to compulsory arbitration of disputes between the board and its employees; and (3) that the board may not enter into a collective bargaining agreement with any union of public employees.

This may be a propitious occasion to review briefly some of the other legal aspects of public employer-employee relations. There has been a paucity of judicial review of such relationships, although recently the issue has been raised more frequently. However, the issues are coming to the fore, and some significant precedents have already been established.

**Right to Strike.**—It must be borne in mind that there is a clear legal distinction between the "right" of a public employee to strike against the government and the popular notion that every individual has the inherent freedom to strike against his employer. The right of any public employee to quit his job cannot be denied, of course, except in the most ex-

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treme instance where the public safety or welfare is gravely endangered. The right of an employee in private employment to strike is virtually universal except in the special cases where such right is limited by statute. No court apparently has as yet given encouragement to any legal precept recognizing the "right" of a public employee to strike against a public agency. Public employees who choose to leave their employment as a demonstration of their dissatisfaction with their working conditions, or for other reasons, may be reemployed after their grievances have been adjusted or ignored, but any claim for reinstatement would have to be addressed to the appointing authority's discretion. Such claim may not be asserted as a matter of "right" in a legal sense. An appointing authority may, in the absence of express inhibition of statute, such as the New York Condon-Wadlin law, choose to reinstate an employee after a strike has terminated. It could also refuse to reinstate him. It is reasonably certain that in the absence of a statute authorizing reinstatement of public employees who strike against a government agency no court will assume such responsibility by judicial decree.

The United States Supreme Court, inferentially, if not tacitly, held that employees of the federal government may not strike against the government (*U. S. v. United Mine Workers of America*, 67 S. C. 677); 91 L. Ed. 595 (1947).

The courts have been reluctant to invoke their jurisdiction in aid of striking public employees dismissed from the service. The Michigan Supreme Court upheld the determination of the Detroit Civil Service Commission in affirming the dismissal of over 100 employees of the Detroit Street Railway Board who refused to return to their positions when so ordered. Their dismissals were sustained on the ground of the employees having neglected their duty and having been guilty of "insubordination." (*Goodfellow v. Civil Service Commission*, 20 N. W. 2d 170.)

The Illinois courts apparently have followed a somewhat similar course. (*O'Kelly v. Collins*, 281 Ill. App. 604.)

Wherever the courts have been called upon to review the dismissal of employees for striking against government agencies, the dismissals have been sustained as for "good cause." The Oklahoma and Texas courts invoked this principle twice in 1946. (*City of Tulsa v. Vinall*, Dist. Ct. Tulsa County, unreported; *City of Houston v. Duncan*, Dist. Ct. of Harrison County, Texas, Feb. 23, 1946.) In both in-

stances the striking employees were enjoined from continuing such strikes. The basic reasoning behind these court decisions denying the "right" of public employees to strike is set forth in the opinion of Wayne L. Morse of the National War Labor Board, December 23, 1942, and the reasoning of the New Jersey Civil Service Commission appears in its review of the case of *Hatton v. the Newark Public Works Department*, December 3, 1942, published in the 36th annual report of the commission, pages 43 to 49.

*Employee Organizations and Unions.*—It would seem that the right of public employees to organize in any manner they may choose might be conceded. Generally speaking, this is correct. Restrictions of special classes of employees in joining labor unions, either affiliated with outside labor organizations or unaffiliated, have been upheld by a number of state courts. Even as early as 1916 the Ohio Supreme Court upheld a prohibition against employees joining labor unions. (*Frederick v. Owens*, 95 Ohio 407.) About the same time, the Illinois Supreme Court upheld such prohibition. *Fursman v. City of Chicago*, 228 Ill. 318.)

In most instances, the restrictions upheld by the courts involve particular classes of positions such as policemen and firemen and occasionally teachers in the public schools. (*King v. Priest*, 206 S. W. 2d 547 (Mo.) 1947; *City of Jackson v. McLeod*, 90 L. Ed. 1261, 328 U. S. 863; *Perez v. Police Com. of Los Angeles*, 178 P. 2d 537; *Seattle High School v. Sharples*, 239 P. 994 (Wash.); *Hutchinson v. Magee*, 278 P. 117; *San Antonio Fire Fighters Union v. Bell*, 223 S. W. 503; *Sherry v. Lamphkin*, 127 Va. 116.)

Except in the case of such special classes of positions where a peculiar interest is involved, and which might endanger the public safety, the chances are that the courts will not take it upon themselves to proscribe employees joining any organization they may choose. They will, however, uphold such restrictions wherever the court deems the statute or rule reasonable and more or less essential in the public interest.

*Collective Bargaining.*—Reference has already been made to the refusal of the Ohio and Florida courts to recognize the authority of public agencies to engage in collective bargaining with representatives of employee organizations or labor unions, at least in the sense in which collective bargaining is practiced in private industry. The California and Maryland courts have precluded public agencies from assuming they have inherent author-

ity to do so, in the absence of express statutes authorizing such agreements. Although the California constitution recognizes collective bargaining between employer and employees, the California court made a distinction in applying the constitutional provision between private and public employment, the court holding that the constitutional provision was not intended to apply to other than the relationship in private employment. It held invalid a proposed collective bargaining agreement sought to be made between the City of Santa Monica and a labor union representing the employees of the city operating the street railway system. (*Nutter v. City of Santa Monica*, 168 P. 2d 741.) The court rejected the suggestion made by the city that an exception should be recognized in the case of a municipal agency operating a "proprietary" service, such as a street railway system, which resembled so closely a private enterprise. The court stated in part:

It is also argued that terms and conditions of employment should be fixed by contract in all activities of the state or municipalities conducted in a proprietary capacity, if not in a governmental capacity. Much has been said in the briefs as to the capacity in which the city operates the bus lines, but that question, we think, is beside the point. If the courts were to say that the legislation relates to public employment in the exercise of proprietary functions, but not governmental functions, that would be judicial legislation. The distinction between employment in one field and the other would be wholly without legislative foundation. If any such distinction is to be drawn it must be by the legislature. We are not aware of any rule of law which would furnish a basis for applying the provisions (of Section 923) to one group of public employees to the exclusion of all others.

It is not, however, an accepted practice for public bodies to enter into contracts with the employees of publicly owned operations with respect to matters which are usually embraced in labor contracts in private industry. Those who enter public employment do not thereby acquire the right to arrange, by negotiation and contract, terms or conditions of employment which are defined by law or, under established systems, are subject to regulation by governmental bodies. . . .

Government by law would then have to give way to government by contract, and this without action by the legislature which expressed an intention to establish an entirely new system in the field of public employment.

Similar reasoning was indulged in by the Maryland Court of Appeals in *Mugford v. Mayor and City Council of Baltimore*, 44 Atl. 2d 745, when the court was called upon to pass on the validity of a collective bargaining agreement between the City of Baltimore and its public works employees, which agreement had been ratified by a city ordinance.

It is rather significant that a federal court had refused to invoke its jurisdiction to compel a state or municipal agency to enter into a collective bargaining agreement with public employee unions on the ground that labor regulation by the federal government did not encompass state or municipal employments. (*National Council of Railway Patrolmen's Unions v. Sealy*, 152 Fed. 2d 500, C.C.A.)

Judicial trend thus far appears clearly to be in the direction of discouraging, if not completely voiding, exclusive collective bargaining agreements between public agencies and unions. It should be borne in mind, however, that the courts have not indicated or even implied that in proper cases public officials may not negotiate collectively with representatives of public employees, either through union representatives or others. Just how far the legislatures may go in validly authorizing exclusive collective bargaining agreements between the public agencies and their employee unions is still a debatable issue. It is doubtful whether the courts would sustain statutes which would virtually deprive a state or municipal agency from acting unilaterally on behalf of the people.

*The Closed and Union Shop.*—Wherever the issue of a closed or union shop has been raised as relating to the public service, the courts have thus far invalidated any statute or rule authorizing a closed or union shop in the civil service. They have generally held such concept to be contrary to our democratic political system in that no citizen otherwise qualified to perform the duties of a public position may be denied employment in the civil service because of non-membership in a particular association or union. Statutes or rules which sought to require incumbents of positions in civil service to join a union after their employment have been held invalid. (*Petrucci v. Hogan*, 27 N. Y. S. 2d 718; *Mugford v. Mayor, etc. supra*; *Nutter v. City of Santa Monica, supra*; *City of Cleveland v. Division, etc. supra*.) Long before these late judicial determinations, the courts had frowned upon restrictions on public employment because of union affiliations. (*Lewis v. Board of Education*, 102 N. W. 756 Mich.); *Adams v. Brennan*, 52 N. E. 314 (Ill.); *Chapin v. Board of Education, supra*; *Heim v. McCall*, 239 U. S. 175.)

*Checkoff of Dues.* While an early Illinois case questioned the validity of public agencies permitting the checkoff of association or union dues of public employees (*Merwin v. City of Chicago*, 45 Ill. 133), recent court decisions in-

dicating a rather divided opinion on this issue. The Maryland court of appeals in the *Mugford* case, *supra*, held that where a municipality volunteers to collect dues of its employees and turn them over to the union of which they are members, and the employees individually consent in writing to such deductions from their payroll, such checkoff of union dues is valid, particularly where a statute expressly authorizes it. The Ohio Supreme Court, however, held unequivocally that the checkoff of union dues of public employees, even when authorized by local law, is beyond the authority of the municipality to permit. (*Hagerman v. City of Dayton*, 71 N. E. 2d 246.)

**Summary of Legal Aspects.** From the foregoing it may reasonably be concluded that: (1) restrictions against public employees organizing or joining any association or union of their own choosing will be frowned upon by the courts except where such restrictions have reasonable and plausible basis such as the peculiar nature of positions or employments involved; (2) employees may affiliate with any outside labor union except where the nature of the employment would make such affiliation incompatible; (3) no inherent or implied "right" of public employees to strike against governmental agencies exists as a matter of law; (4) reinstatement of striking employees is discretionary except where mandated by statute; (5) the practice of exclusive collective bargaining as required in private industry is not available to public agencies, although collective negotiation between public agencies and employee associations or unions is permissible; (6) the closed or union shop principle is precluded in the public service; (7) checkoff of union dues is still a moot issue in most jurisdictions.

### CASE NOTES

**Federal-State Relationships.**—The transfer of the state employment services from federal to state jurisdictions has raised some legal issues as well as practical problems. A number of such legal difficulties arose in connection with the New Jersey civil service commission's jurisdiction over the employment service staff returned to state employment. During the war, the employment service of New Jersey was, like all other state employment services "on temporary loan" to the federal government. During this period many changes were made in the state civil service law, particularly the reclassification of positions.

The court held that the statutes which sought

to preserve the rights of employees of the employment service after their return to the state service were designed "to safeguard the state's civil service policy against external interference." Whatever rights or privileges such returned employees might be entitled to under state statutes affecting promotions, salary increases, and position reclassification was intended to be left to the determination of the State Civil Service Commission to be properly exercised in its discretion, in conformity with the intent and purpose of the statutes. The findings of the commission, therefore, that promotions and pay increases of those in the state employment service while on temporary loan to the federal government were not in conformity with state standards, procedure, and practices, would be upheld by the court, unless it could be shown that the determination of the commission was arbitrary and clearly violative of the intent and purpose of the statutes. Otherwise, the actions of the commission would not be subject to judicial review. (*Rubright v. Civil Service Commission*, 58 At. 2d 772.)

**Functions of Personnel Agency.**—Occasionally, state constitutions provide that no executive office, department, or agency may be added or newly created by the legislature except by two-thirds vote of the legislature. The creation of a civil service commission without such two-thirds vote requirement was attacked as unconstitutional. The court held that the nature and functions of a civil service commission are not "so executive in character" as to come within such constitutional proscription. The criterion of executive power contemplated by the constitutional provision was primarily the law enforcement power. Where an agency enforces the law against the general public, it performs an "executive" function; but where the agency acts only with relation to government employees, the function is deemed not to be "executive." (*Sommerville v. Johnson*, 30 N. W. 2d 577, Neb.)

**Definition of "Public Officer" and "Employee."**—The court held that a city plumbing inspector, whose duties were no more than to police all plumbing works during the course of construction of buildings and to see that standards of the plumbing code were properly observed, was an "employee," and not a "public officer," notwithstanding the fact that additional duties were imposed by city ordinance on such employee to inspect used and second-hand plumbing fixtures prior to their resale. Attempt by the city to remove such employee

on the ground that he was a "public officer" vested with special functions, and therefore not subject to the civil service law, was frustrated by the court, which held his position to be in the classified civil service subject to dismissal only for cause after charges. (*Saar v. Hanlon*, 60 At. 2d 432, Pa.)

**Probationary Appointments.**—The Ohio law providing for a probationary term before permanent employment becomes effective, permits an employee to be discharged without restriction where his service is found to be unsatisfactory. The appointing officer is required to transmit "a record of the employee's service" to the civil service commission for approval.

The appointing officer had written to the commission that the employee's services were not satisfactory because she was late for work, lacked interest and energy, and could not carry out instructions. The commission approved the discharge of the employee.

The court held that the mere letter of transmittal to the commission was not a "record of the employee's service" within the statutory meaning. In the absence of such a "record," the court held that the commission was not in a position to exercise its discretion in approving or disapproving the employee's discharge at the end of her probationary period. In effect, it acted without proper or complete information and based its approval solely on the "conclusions" of the appointing authority as stated in the letter of transmittal. The commission could not so act under the Ohio law, the court maintained, without having information which was available to the appointing authority supporting his conclusions that the service of the employee was unsatisfactory. This information had to be made available to the commission in order to enable it to exercise its discretion.

Incidentally, the court also held that the effective date of appointment of the employee was the date the civil service commission was notified of the appointment, and not the date on which the department first notified the employee. It was found therefore that the appointing authority had sought to discharge the employee before the 90-day period of probationary service had expired. This he was not authorized to do. (*McLaughlin v. Babb*, 79 N. E. 2d 795.)

**Editor's Note:** This is not the general rule followed by most state courts. On the contrary, it has been held that a statement by the appointing authority that an employee's serv-

ices during the probationary period were unsatisfactory is sufficient to meet the general requirement of civil service laws terminating the probationer's employment. (Compare *Marasco v. Morse*, 46 N. E. 2d 364 (N. Y.); *Lingrell v. N. J. Civil Service Com.*, 37 A. 2d 278; *Reddick v. Lee*, 4 So. 2d 336 (Fla.); *Broyles v. State Personnel Board*, 108 P. 2d 714 (Calif.); *Carstater v. Civil Service Board of Minn.*, 10 N. W. 2d 422.)

**Traveling Expenses.**—An employee (member of the State Liquor Control Board of Ohio) is entitled by statute to traveling expenses incurred in the discharge of his official duties. The petitioner, a resident of Cincinnati, was denied expenses for the costs of lodging, meals, telephone calls, and streetcar and taxicab fares while in Columbus attending to official business at the central office there. These expenses were not allowed under the statutory provision for traveling expenses. The court stated that "statutes relating to the fees and compensation of public officers must be strictly construed in favor of the government, and such officers are entitled only to what is clearly given by law." The court, therefore, applied a strict construction of the statutory language permitting traveling expenses and restricted it to expenses incurred only in going from one place to another. (*Leis v. Ferguson*, 80 N. E. 2d 118, Ohio.)

### Examinations

**Objective Rating of Oral Tests.**—Ever since the New York Court of Appeals decided the *Fink* case (270 N. Y. 356, 1 N. E. 2d 462) in which it sought to explain what constituted "objective standards" in connection with the conduct of oral examinations, the courts have sought to find a formula which would protect the competitive nature of such tests and at the same time keep the courts out of the realm of administrative conduct of examinations.

A recent illustration of the difficulty besetting the courts in their attempt to balance what they view as integrity of the competitive examination principle and at the same time confine review to an administrative agency's action to situations where the agency's determination is arbitrary, capricious, or unreasonable as a matter of law, is presented in the recent case of *Wilson v. Los Angeles County Civil Service Commission*, Superior Court, October, 1948. In a rather exhaustive opinion in which the court attempts to understand the technicians in the civil service, the authors of one or

two text books on personnel administration, and the views of the New York courts on oral examination objectivity, the court set aside an oral examination held by the Los Angeles Commission for filling the position of County Clerk of Los Angeles County. The court set aside the examination primarily on the ground that the "oral phase of the examination under review was not competitive; that it was based principally upon subjective standards; and that no record of the oral examination was made or kept 'showing the basis of the rating.'"

The commission had held a written examination which was given a relative weight of 50%. The other half of the examination was devoted to "general qualifications, experience and education, verified by interview and/or references." The two parts of the examination were not treated as equivalents and were separately weighted in arriving at an over-all required passing grade of 70% for the entire examination. The oral examination board consisted of a judge of the superior court, a practising attorney, and a specialist in governmental administration.

The petitioner had received a rating of 69.09 in the written examination, and the ultimately successful candidate, the provisional appointee, 68.86. In the oral interview test, however, the petitioner received a rating of 59.33 and the provisional 92. The provisional became number 9, with final grades, respectively of 88.98 and 71.56. The examination was attacked by the petitioner on the ground that no record was made showing the basis of the ratings upon the oral test or interview, and that the interview test was not based on any objective standards, and therefore violated the competitive requirement in the examination.

Basing its reasoning on its interpretation of the New York Court of Appeals' opinion in the Fink case, the court said:

An examination cannot be classed as competitive unless it conforms to measures or standards which are sufficiently objective to be capable of being challenged or reviewed, when necessary, by other examiners of equal ability and experience.

The court laid down its own definition of what constituted "competitive examination" as requiring:

... the application of common criteria to all candidates—that all must be subjected to the same measuring rod and that all be required to answer the same examination questions, or substantially the same ones. If substantially variant questions are propounded to different candidates there can

be no true competition and the purpose of the examination may be readily subverted to the benefit of a favorite of the examiners. It is equally essential that the common standard be a defined and recognizable one. Otherwise it never can be known whether the examination was really competitive. When such basic considerations are ignored the courts have both a right and a duty to interfere.

\* In explaining what the court believed the charter provision means by a "record of examination showing basis of rating, shall be made" the court held that this implied:

... a record which can be reviewed by the Commission or the courts for the purpose and to the end of ascertaining whether the oral examination was competitive and impartial. The requirement is two-fold: first, a record of the examination and, second, a record which will show the "basis of rating." Fairly construed, this does not contemplate merely a record of results of the application of subjective standards emanating from and recorded only in the minds of the examiners. The recorded test or interview necessarily forms the basis of the rating and it is illogical to argue, as do respondents, that the expression by the examiners of their conclusions based upon undisclosed tests constitutes the basis of the rating, rather than the rating itself. . . .

It is not the province of the court to insist upon a degree of rigidity which will defeat the purpose of the oral interview or test. And it is recognized that the foregoing quotation expresses sound views; that the oral part of the examination necessarily must vary from candidate to candidate in its minor phases, but that the same subject must be canvassed with all and in the same language and manner, or substantially the same. There can be no assurance of objectivity in the examination unless it be preserved in such a record that conformity or nonconformity to required procedure can be ascertained by the Commission upon an appeal or by the courts upon a challenge such as the one at bar. This recognition of the propriety of variations from stereotyped questions upon oral interview emphasizes the *absolute indispensability of a reviewable record*. . . .

These principles appear to be well established as a matter of law and of sound administration of civil service machinery: Competitive examinations can be based only upon objective standards which are applied with substantial uniformity to each and every candidate; a record of such standards and their application must be kept in such manner that it may be reviewed in an administrative or court proceeding; and that record must be of such nature that the reviewing authority can independently ascertain the fact of objective standards, the fact of their uniform application to candidates and the quality of judgment exercised by the examiners in determining the results of such uniform application of definitely disclosed standards.

MORE RECENTLY the New York Court of Appeals was called upon to review and clarify its opinion in the Fink case when a teacher in the New York City school system who had competed in a promotion examination for head of department had been disqualified after oral



examination for "insufficiently meritorious record."

Out of 97 applicants the petitioner was one of 8 who passed on the written, teaching, supervisory, interview, and physical-medical tests. Nevertheless, the Board of Examiners by a vote of six to one rejected the petitioner on their opinion that the petitioner's record was "insufficiently meritorious." This determination was based in part on official reports on file with the Board of Education such as the annual and semiannual ratings of the petitioner's teaching activities made by his superiors in the school system and of answers made by him and by others to inquiries that had been circulated by the Board of Examiners. One of the high school principals formerly had criticized the petitioner as a teacher, though the petitioner's work was characterized as "satisfactory" in each of a series of reports made by this principal semiannually to the superintendent of schools. To a question asked by the board of examiners of this principal: "Would you be happy to have the applicant appointed as a first assistant in your school?" the principal answered "No. Feel that he is primarily a scholar interested in research. Teaching seems a secondary interest. . . . Hesitate to recommend applicant."

A hearing was thereafter accorded the applicant after which the board of examiners passed upon the applicant's record through a "referendum ballot." Of the six members who voted against the applicant, three relied entirely upon the above quoted final report of the high school principal, and a fourth member also took that report into account though in addition that member said the applicant "was lacking in frankness during the hearing" and "on several occasions made statements that were equivocal." A fifth member was impressed by the applicant's "lack of maturity, lack of understanding of the problems of the school, and lack of cooperation with the school administration (even though one may disagree with its policies) evidenced by this applicant." The sixth member voted against him because of his uncooperative attitude, "his extremely selfish point of view, and tendency to twist the truth just a bit when questioned about extra curricular activities." The one member of the board who favored the applicant's approval in the examination did so because he believed the applicant had "an unusually fine background for the broad field of social studies. . . . The schools are the richer in having a person who has had the practical experience in the political science field that this candidate has had."

The court held that the type of oral examination and method of rating was not "objective" and "competitive" as required by the civil service principle. It viewed the reason for his rejection—"insufficiently meritorious record"—as "an undefined phrase" which the examiners were permitted to apply noncompetitively. The court ruled that "an examiner cannot thus be left at liberty to make an appraisal of the records of applicants in accordance with standards that are peculiar to the examiner himself." Continuing, the court stated:

There is no dispute in respect to the character of the petitioner, since under the by-laws any significant moral defect would have necessitated the rating of his record as "unsatisfactory" and that was not done. Nor is there any question in respect of the petitioner's personal appearance or address or vocal expression or command of speech or teaching ability or competency in class room management. Indeed, he was subjected in the first place to a supervision test, an interview test, a teaching test and to physical and medical examinations, all of which ended favorably to him. In short the case is simply this: The petitioner was rejected because a minority of the board of examiners thought he was selfish and wanting in candor and in professional development, and because a majority felt themselves bound by the opinion of a high school principal who did not refuse to recommend the petitioner, but only said that he hesitated to do so. Of course, individual notions of that sort cannot be allowed to dictate the choice of civil servants in the competitive class, if the Constitution is to be obeyed.

(*Cohen v. Fields*, 298 N. Y., October 14, 1948.)

*Judicial Review.*—Courts generally are extremely reluctant to review civil service examination methods and procedures, and even more so, the content of examinations and the rating of test papers. The attitude expressed by the courts has been substantially that it was rather presumptuous for them to substitute their inexpert knowledge or wisdom for that of the lawfully constituted administrative agency responsible for conducting such examinations. The cases where the courts have questioned the practices of examination procedure, or ratings in examination, are rare. Occasionally, a court has set aside an examination as unlawful where the competitive principle of the merit system has been violated, or there have been clear indications of fraud or gross irregularity tainted with illegality. Except for such cases the courts have generally permitted the personnel agency to have a rather free hand and quite broad authority.

AN INTERESTING case involving a promotion examination to police sergeant in the New York

City Police Department prompted the court to review the examination and method of rating to determine whether the competitive principle had been adhered to. The civil service commission conducted a written promotion examination in which 7,000 patrolmen competed. The examination consisted of ninety multiple-choice questions. Four possible answers to each question were submitted for the candidates' consideration, with the instruction to select "the best one of the four choices." After the examination, the commission, following its usual practice, published tentative key answers. The tentative key answers included two or more answers to four out of the ninety questions. About 1,000 protests were filed, and after considering the protests, the commission published final key answers accepting two or more answers to five additional questions, resulting in two or more answers being accepted as "best" to nine of the ninety questions on the examination. The examination papers were rated in accordance with the final key.

A number of eligibles on the list brought a proceeding to direct the commission to eliminate from the examination the nine questions, or to revise and rerate the examination in strict accordance with the instructions, the petitioners contending that the examination was conducted on the premise that there was one "best" answer to each question and that only one answer should be accepted as "best" to any question. They contended further that if a question does not lend itself to competitive rating on the basis of a "best" answer, that question should be eliminated from the examination. The commission contended that the responsibility for rating examinations was its own best judgment and discretion, and as its good faith was not questioned its exercise of such discretion should not be disturbed.

Under the particular circumstances the court could not see its way to sustain the commission's action in rerating the papers in light of the specific instructions that the candidates were to give the "best" answer to each question, the examination instruction being "an integral part of the examination." Explained the court:

Although the commission defends, on entirely sound grounds, this type of examination, which is calculated to test judgment rather than mere knowledge, it does not suggest that there was any artifice in the instructions or the examination, or that the questions were prepared with the thought or intention of allowing more than one best answer to any question. . . . It is altogether clear here that this examination was set up

and conducted on the basis of there being one best answer to each question, and the subsequent departure of the commission from that based standard, first by adopting multiple answers as best for four questions and then adding five more questions to the list in which multiple answers would be accepted as best, including the acceptance of diametrically opposite answers to one question and all four answers to another question, was the result of mistakes in preparing the examination questions. . . . The entire virtue of such an examination, however, lies in the existence of an objectively best answer. It is obvious that if more than one answer to a question is accepted as best, an action which is antithetical, there is a denial of a rating based on relative merit. It can hardly be argued, therefore, that if a question is susceptible of a single best answer it is permissible to accept as best other answers which are not relatively as good. To give the commission discretion to do so would be to tolerate a subjective standard or measure which is not permitted. The commission should certainly be expected and required, therefore, to select the single best answer wherever it is objectively possible to do so. It is quite clear that in the case of most of the nine questions in dispute, it can do so.

Recognizing that the commission should not be required to make what might be an arbitrary selection of an answer in those cases where a "best" answer could not be clearly decided upon, the court maintained that it would be fairer and better that such doubtful questions be eliminated than that they be counted on some arbitrary or compromise basis. The commission was therefore required to select a single best answer in the case of every question in which that could be done and to eliminate the question where that could not be done. This, the court contended, would not interfere with any legitimate discretion of the commission or substitute the court's judgment for the commission's judgment. It would merely "require the commission to proceed in accordance with its own examination and the law."

The Appellate Division had divided, three to two, the majority refusing to sustain the commission's contention. (*Blumenthal v. Morton*, 78 N. Y. S. 2d 302.) The majority decision was affirmed unanimously by the Court of Appeals.

**Strict Compliance with Statute.**—Statutory provisions regulating appointments by the civil service commission must be strictly complied with by the commission. A certification by the commission is therefore void even though the candidate's fitness was determined by examination where the commission failed to otherwise comply with the law in such particulars as prescribing standards of fitness and efficiency as a basis for the examination, and in

determining in advance the subjects for examination and the manner of grading the examinations. (*State v. Adamson et al.*, 32 N. W. 2d 281, Minn.)

### Classification

An employee of the Board of Education had been carried on the payroll as a "tutor" and later as a "fellow," both of which positions were on the instructional staff and in the unclassified service. Despite the title given, however, the employee had been performing solely clerical duties of stenography, typing, etc. After the civil service commission classified the position as a clerical assistant, the court ruled that the employee was entitled to continue in the position without examination. The court held that ordinarily a person could not acquire competitive or classified status without having taken a competitive examination. Where the positions have long existed in the "unclassified" service (that is wholly outside the competitive class), and the positions are for the first time classified generally (the whole group of positions similarly covered in), the incumbents continue in the positions without the requirement of competition. (*Bressler v. Board of Higher Education*, 81 N. E. 2d 43, N. Y.)

*Editor's Note:* Compare *Palmer v. Board of Education*, 276 N. Y. 222, and *Kearns v. Board of Education*, 17 N. E. 2d 766.

**Maintenance Laborers.**—Reclassification of the position of "maintenance laborer" to the general classification of "laborer" after the commission had established a separate classification of maintenance laborer, and had held competitive examinations to fill the position of maintenance laborer, which the commission thereafter found to be impracticable as a means of testing for maintenance laborer any more than for a general laborer, was upheld as within the discretion of the civil service commission. This was particularly so where the city council had approved such reclassification. The court refused to compel the commission to announce the results of the examination or to hold another examination to establish an eligible list solely for maintenance laborer, the determination of the commission having been found by the court to be reasonable and within its general authority under the civil service law. (*Adams v. City of Seattle*, 195 P. 2d 634.)

**Court Clerks.**—The positions of clerks of the Wayne County Circuit Court are within the classified civil service of the county and sub-

ject to the jurisdiction of the Wayne County Civil Service Commission. The County Civil Service Act superseded the statutory provision governing appointments of such court clerkships. Inclusion of the position of deputy circuit court clerk of the county under the county civil service rules was not an unconstitutional encroachment upon or interference with the judicial branch of government. The duties of such clerkship were held to be merely ministerial and related in no wise to the actual judicial functions of the court. (*Sabbe v. Wayne County*, 33 N. W. 2d 921, Mich.)

**Chief Clerk of Court.**—The position of chief clerk of the City of Hamtramck (Michigan), although a part of the judicial branch of the city government is, nevertheless, within the classified civil service of the city. The position was held not to correspond to that of "a head or chief deputy" of an elective officer within the city charter provision including such deputies in the unclassified civil service. The position was held to be that of a clerkship provided for by the city council for the judicial branch and, therefore, a position which was governed by the charter amendment establishing a civil service system for the city, and not by the general state law relating to appointments of employees of the courts. (*Lewicki v. Matulewicz*, 32 N. W. 2d 488.)

### Salaries

**Payment of Prevailing Rates.**—The civil service commission has no power to fix salaries for employees of the Board of Education; this power rests solely with the board. Once the board has fixed salaries for the fiscal period, they may not be increased in the absence of some provision for such increases, irrespective of changes in prevailing wage scales.

Petitioners—carpenters employed by the Board of Education—were given salaries in accordance with the prevailing wage scales in the City of Chicago. This practice had continued for many years. In the budget for the year 1945 the salary for carpenters was set at \$13.60 per day, which was the prevailing rate in the City of Chicago. The budget contained the specific appropriation of that sum and did not contain any language to the effect that carpenters were to receive the prevailing wage. In June of 1945 the union scale in Chicago was increased and the petitioners sought a commensurate increase in salary for the period beginning June 1945.

Petitioners based their claim upon the alle-

gation that the board had established a policy to pay the prevailing wage rates. The court, however, held that the petitioners were not entitled to the increased wages since the budget for 1945 did not contain a provision for the payment of any prevailing rates of pay increases in wages during the year. The budget contained a provision for a specific sum for the year. The court pointed out that the amount fixed for wages had to be a definite sum so that the amount to be raised by taxes would be known. The board could have provided for the payment of prevailing rates in the budget, and sums to cover possible increases could have been appropriated. However, this was not done. (*Stahl et al. v. Board of Education of City of Chicago*, 79 N. E. 2d 640.)

**Authority to Withhold Salary.**—The State Civil Service Commission was held powerless to deprive an employee of a town within the commission's jurisdiction of salary solely because the commission believed that the town should have recreated a position to which the employee's predecessor, who had been improperly removed, should have been reinstated. The commission had refused to approve the payroll of the new employee until there had been compliance with the commission's earlier order reinstating his predecessor. The court held the commission had no such authority to withhold approval of the employee's salary. The commission could only pass on the validity of the particular employee's appointment, regardless of the status of his predecessor. (*Tedesco v. Civil Service Commission*, 60 A. 2d 67, N. J.)

**Waiver of Statutory Amount of Salary.**—A public officer or employee may waive the full amount of his salary as fixed by statute and accept a lesser amount, and such agreement is not void as against public policy. Policemen and firemen of Los Angeles accepted a lower salary than that fixed by the Initiative Ordinance upon the representation by the city that it would be otherwise forced to reduce its personnel. An action was brought to recover the amount of wages which was waived, on the ground that the representation by the city had been fraudulent. The court held that there was substantial evidence that no fraudulent representations were made even though there was some evidence indicating that the city had a surplus for the years in question, which surplus was put in a reserve fund. (*Scott v. City of Los Angeles*, 193 P 2d 25.)

## Removal

**Authority to Order.**—The civil service commission is without authority to provide by rule for the dismissal of an employee of another department or agency (other than the commission itself) in the absence of a statute expressly authorizing such discharge or disciplinary action by the commission. The Milwaukee County charter provides that the civil service commission shall make such rules and regulations to carry out its provisions as in its judgment "shall be adopted to secure the best service for the county in each department, and as shall tend to promote, expedite, and speed the elimination of all unnecessary formalities in making appointments." Pursuant to this general provision, the commission adopted a rule providing that charges for removal may be filed by the chief examiner of the civil service commission where a department head refuses or neglects to file charges. The charter provision relating to dismissals places such authority apparently only in the department head.

The commission, pursuant to its rule, sought to compel the retirement of an employee of the sheriff's office for physical disability because of excessive blood pressure and poor vision. The sheriff refused to do so, claiming that she was competent to perform her duties to his satisfaction. The commission then, over the protest of the department head, sought to discharge the employee for inefficiency and physical disability. The court upheld the department head's right to continue the employee in the service. (*Baranowski v. Koszewski*, 29 N. W. 2d 764.)

**Error of Judgment by Employee.**—In proceedings before administrative officers for the dismissal of an employee for alleged misconduct, the burden of proving such misconduct rests upon the prosecuting authority; a mere technical breach of rules without wrongful interest is not sufficient to warrant the discharge of an employee. The State Liquor Authority dismissed the petitioner, an executive officer of the Saratoga County ABC Board, on charges of misconduct because he had introduced a friend of his who distributed music boxes to various liquor licensees. The charges alleged that the petitioner introduced his friend to the licensees in order to influence them to use the music boxes distributed by his friend. The court held that the evidence relied upon by the State Liquor Authority was based merely on conclusions of the witnesses and hearsay testimony. Though

greater latitude will be permitted in the rules of evidence in administrative proceedings, the Authority had not sustained its burden of proof where its ruling was based upon contradictory evidence and on the conclusions of witnesses as to the "meaning of the petitioners acts." At best, the evidence supported a finding that the petitioner had committed an error of judgment, and a single error of judgment was held insufficient evidence to warrant his dismissal. Though this error on the part of the petitioner may constitute a technical breach of the rules, there was no showing of any wrongful intent which would warrant the discharge of a public officer with a long record of faithful service. (*Ryan v. New York State Liquor Authority*, 79 N. Y. S. 2d 827.)

**Resignation by Absence.**—A senior parole officer was transferred from the supervision of the principal keeper of the prison to the Division of Parole. He objected to this transfer and appealed to the civil service commission. Pending his appeal, the petitioner absented himself from work and submitted a doctor's certificate to the effect that he was nervous and required rest. Though subsequent requests were made to the petitioner to return to work or specify the time when he expected to return, the petitioner ignored all such requests. Accordingly, the civil service commission ruled that the petitioner was considered to have resigned from his position. The court would not disturb the order of the civil service commission. The evidence indicated that the petitioner was not suffering from a bona fide disabling illness but rather from a nervous condition caused solely by his objection to his transfer, and his absence from work was not due to his physical inability to work. (*McLaughlin v. New Jersey Civil Service Commission*, 59 A. 2d 813, N. J.)

**Reinstatement.**—Where an employee has been wrongfully discharged and reinstatement is mandatory under the statute, he must be restored to the position to which he was entitled at the time of discharge. Reinstatement does not mean reemployment in a position different from the one to which the employee was legally entitled when discharged, and placement upon a waiting list for possible future employment contingent upon funds becoming available for such position. "Reemployment is not reinstatement," stated the court, "much less is reemployment in the service in a position entirely different from the service per-

formed by the employee in the position from which she was removed 'reinstatement.'" (*Spurck v. Civil Service Board*, 32 N. W. 2d 583, Minn.)

**Declaratory Judgments Act.**—The Supreme Court of New Jersey has held that the Declaratory Judgments Act cannot be used in place of an administrative or other specific statutory procedure for relief in an action brought for an alleged wrongful discharge. Petitioner, a temporary fireman, was discharged without a hearing, charges, or a trial. He sought a judgment declaring that his discharge was illegal and that he was and has remained a permanent employee. The court held that the relief sought must be requested from the civil service commission as provided for under the statute. The temporary appointment of the petitioner cannot be converted into a permanent appointment except through compliance with the terms of the Civil Service Act. The petitioner could not take advantage of the Veterans Tenure Act as his temporary position was not altered after his return from military service and upon his resumption of his former position. (*Adams v. City of Atlantic City*, 59 A. 2d 825, N. J.)

**Employee Status.**—A water commissioner is an agent of the city creating the agency so as to bind the city by a judgment rendered against the commissioner. The water commission discharged the petitioner who was employed as the water plant superintendent. The court held that the petitioner had not been given a fair trial as required by law. Thereafter, the petitioner brought an action against the city to recover his salary following his unlawful discharge. The city claimed that the petitioner was not employed by the city. Summary judgment was entered for the petitioner on the ground that a prior determination in which the city was a party held that the water plant superintendent was a city employee and that ruling was res judicata. The court held that a water superintendent employed by a municipal waterworks is clearly within the statutory definition of a "municipal officer or employee." (*McAlpine v. City of Garfield*, 59 A. 2d 3, N. J.)

**Change of Rating.**—Where an employee holds his position during good behavior, and subject to discharge for cause after notice in writing specifying the reasons, there must ordinarily be notice and either hearing, if so provided by law, or an opportunity to answer the charges. Where, however, the statute authorizes



an appeal to an administrative agency (in this case the employment security commission) the commission on appeal can, after a hearing, re-rate the employee's service or efficiency rating, even to the extent of rating him "unsatisfactory," and thus bring about his discharge from the service without charges being brought by the appointing authority.

In the instant case the employee appealed to the commission to change the service rating given him by his superior officer from "fair" to "very good." The court held that when the commission was requested to review the employee's service rating on appeal, the commission was not limited in its hearing to determine the sole question of whether the plaintiff's rating should be "very good" or "fair." Under such circumstances, when the commission finds the employee's work unsatisfactory, it may cause his discharge without preferring charges against him. (The statute authorized the commission to cause the discharge of any employee whose services were found unsatisfactory.) (*Burge v. Oklahoma Employment Security Commission*, 195 P. 2d 285.)

**Supervisory Prejudice.**—An appointing officer may sit in judgment of his subordinate when he has charged the subordinate with dereliction of duty and seeks to remove him, notwithstanding that the appointing officer may possibly be prejudiced or biased against the subordinate. Upon review of the dismissal by the commission, the commission may consider any "additional evidence," but letters from the appointing officer further explaining the reasons for dismissal or giving additional evidence unsupported by sworn affidavit are not admissible as such additional evidence. The commission may not remand the case back to the appointing officer for further action but must itself retain jurisdiction and review the appeal on its merits. (*Scannel v. Wolff, et al.*, 195 P. 2d 536.)

#### Retirement

**Accidental Injury.**—A driver of a dump truck employed by the conservation department for over 20 years (who had suffered from tuberculosis some years previously and returned to work after such illness) drove a dump truck in the course of his duties one cold winter day in the neighborhood of a bobsled run near Lake Placid. The truck was stopped near the entrance to the run when the gas line and fuel pump mechanism froze. At the time of the incident, the temperature was 20 degrees below zero and the snow on the ground was 10 inches

deep. After working on the truck for more than an hour in a vain attempt to get it started, the driver walked to the bobsled run buildings for assistance, arriving there exhausted. After resting for some time he assisted in the removal of the truck. When he finally returned to his home later in the afternoon, he went directly to bed and was found to have a temperature resulting from pleurisy, which later reactivated his tubercular condition. This condition did not appear to be progressive at first, and for a number of years thereafter the employee continued to perform restricted work. Finally, he was compelled to rest in bed and not permitted to do any work of any kind. It was conceded that he was totally disabled. The employee claimed that he was entitled to accidental disability retirement resulting from injury in the course of his duty, relating back to the time of his unfortunate experience in 1943 at the bobsled run at Lake Placid. The state contended that as a matter of law the employee's claimed disability was not the natural and proximate result of an accidental injury entitling him to a disability pension resulting from disability in the performance of his duty.

The court upheld the employee's claim, holding that under the particular facts his condition was a natural consequence of his experience in the light of his condition as it was when the alleged accidental disability originally occurred and not as if he had been in normal health. (*Rankin v. N. Y. State Employees Retirement System*, N. Y. S. 2d App. Div.)

**Disability.**—A fireman must be retired after twenty years of service if he is unfit for *active duty*, and he acquires no right to an assignment to *light duty* even though his disability was incurred while in the discharge of his duties. Petitioner was disabled in the performance of his duties as battalion chief and was thereafter placed on light duty at full pay. Subsequently, the pension trustees of the fire department retired him after finding that he had been a member of the fire department for a period in excess of twenty years, and was permanently disabled so as to be unfit for duty. The court held that the words "unfit for duty," as used in the statute, mean unfit for active duty and that the petitioner had no "right" to retain his position at light duty. (*Breen v. Board of Trustees of New York Fire Department Pension Fund, et al.*, 79 N. Y. S. 2d 548.)

A POLICEMAN who sustained an injury in the course of his employment which disabled him

could not be deprived of his pension solely because he had first resigned from the police force because of such disability and had not filed his application for pension until after his resignation. In the absence of any statutory provision making it mandatory for a pensioner to make application for a pension while he is still a member of the police department, the pensioner may not be deprived of the pension when the conditions under which a pension must be granted have been fulfilled.

It was held also that where the statute does not authorize deduction from pension allowances of workmen's compensation payments, no credit to the municipality may be made against the pension payment for such compensation. (*Holt v. Board of Police and Fire Pension Commissioners*, 196 P. 2d 94, Cal.)

**Pensions.**—Petitioners were formerly members of the police and fire departments and were receiving pensions under a statute making such pensions a vested right. Subsequently, a statute was passed providing that no person shall receive a pension while he is holding an elective or appointive full-time salaried position in the service of the state or any political subdivision thereof. Petitioners thereafter held such positions, and their pension payments were discontinued. The court held that the petitioners could not be deprived of their pension payments by a statute passed after they had become entitled to receive their pension payments under the former "vested right" statute. The obligation to pay a pension under the statute in force when the petitioners became entitled thereto, created a "contractual" obligation founded upon a valid consideration which could not afterwards be impaired or revoked. Once all of the conditions had been fulfilled by the petitioners entitling them to a pension their right to such pension was a vested and irrevocable right. The court noted that in the instant case the statute specifically made this pension right a "vested right" to remedy the former holdings wherein a pension right was held to constitute a mere gratuity, giving rise to no vested or contractual right. (*State v. Trustees of Cleveland Police Relief and Pension Fund*, 79 N. E. 2d 316, Ohio.)

A BOARD OF TRUSTEES of a police pension fund could not without express statutory sanction

grant to a pensioner more than the allowance authorized under its rules or the statute. The board had no authority to suspend or waive its rules so as to give anyone a full pension when he was entitled under the rules to only half the amount of the pension. It could not, for example, grant him a pension for disability if under its rules he would be entitled only to ordinary retirement allowance. (*Wichman v. Board of Trustees of Police Relief Fund*, 80 N. E. 2d 842, Ohio.)

**Effect of Criminal Indictment.**—One who has been retired in accordance with law may not thereafter be deprived of his pension through the board of pension commissioners, upon reconsideration, rescinding the pension as having originally been granted by the board "inadvertently," particularly where the personnel of the board had changed in the interim. It was held that the retired police chief could not be disentitled to a pension because it later developed that he had not "served honorably," in that indictments were pending against the pensioner. The indictment was declared to be no evidence of dishonorable conduct, and in the absence of a conviction at least, the board had no authority to rescind the pension. (*McFeely v. Board of Pension Commissioners*, 59 A. 2d 412, N. J.)

**Status of Elective and Appointive Officials.**—A constitutional provision authorizing the legislature to provide retirement systems for employees of the state was held to authorize inclusion of elective or appointive employees, including members of the legislature. (*Knight v. Board of Administration of State Employees Retirement System*, 196 P. 2d 547, Cal.)

A STATUTE which authorizes retirement of "a person who has been continuously in the employ of any city for a period of 25 years and who has reached retirement age," was interpreted to mean that a "public officer" was entitled to retirement on a pension on the same basis as an "employee" of the city. The issue of whether it was appropriate public policy for public officers to be or not to be included within the retirement system was for the legislature and not the judicial branch of the government to determine. (*Fallon v. Mayor and Council of City of Hoboken*, 59 A. 2d 413.)



# THE BOOKSHELF



*Government As Employer.* Sterling D. Spero. Remsen Press, New York. 1948. 487 p. \$5.65.

The title is actually a misnomer. It would have been more accurate to have entitled this book "Unionism in Government." It is an informative, factual account of the growth and development of employee organizations in government; obviously sympathetic, but fair.

The pace and spirit of the book is set by its opening quotation from de Tocqueville: "The right of association appears almost as inalienable in its nature as the right of personal liberty." In view of the fact that there are 6,000,000 public employees, it is worth while for citizens to know what kind of an employer their government is; it is important for public officials to be well informed about the nature of employee associations and unions and also the extent and limitations of their mutual relationships. This book should be required reading for those charged with administrative responsibility in municipal, county, and state government.

In view of the growing agitation for the recognition of the right of public employees to organize, the chapter on "The Legal Right to Organize and Strike" is especially interesting. It gives instances of legislation and practices limiting that right, cases of dispute over affiliation with outside labor organizations, and examples of recent legislation denying the right to strike. It is unfortunate that the book contains only occasional reference to, and no real discussion of the pros and cons on, these important questions.

A substantial part of the book traces the inception, growth, and development of unionism in the postal service and among firemen, police, and teachers. The separation of the above into separate paragraphs is excellent and facilitates the use of the book by administrators.

The chapter on collective bargaining is an important one and points out that collective consultations can often achieve a satisfactory result. It clarifies the confusion arising from doubts as to the power to bargain collectively in a legalistic sense. Attention is called to the frequent misapprehension that the acceptance of collective bargaining or collective consultations carries with it the acceptance of the closed or union shop, the compulsory checkoff, and exclusive representation. These frequently

found concomitants in private industry are not essential in the public service to the acceptance of the principle of collective consultations. Many students believe that the adoption of collective consultation will improve morale and increase efficiency in the public service. A few examples of this would have been interesting; the book gives only one, the International Association of Fire Fighters.

The chapter on the closed shop gives the experience with the closed or union shop in the United States Government Printing Office, the Navy Department, and the New York Transit System. It contains an interesting subchapter discussing the differences between the union shop in the public service as contrasted with private employment.

In view of the importance and probable future extension of arbitration, the treatment of this subject is all too brief. It points out that arbitration decisions, even though advisory, are almost always accepted. It makes a strong case for advisory arbitration of disputes as a permanent feature of governmental labor relations procedure. The experience with legally binding arbitration awards in Canada and Great Britain are referred to briefly; it would be interesting to know more as to how these have worked out in practice, despite the differences in the functions of government from those in the United States.

Elsewhere in the book, there is an account of how the poor tactics of the Ordnance Department and the resulting prejudices of the men have lost to government the benefits of measured standards of individual output to the extent they have been adopted in private employment.

It is regretted that the problems in public personnel arising from veteran preferences are referred to only in passing. This is one of the most serious problems confronting administrators and is one of the factors most discouraging to the hopes and morale of career men in government. The book also omits any reference to the increasing demand for the recognition and rewarding of incentive and exceptional efficiency in the public service.

The most serious omission in Dr. Spero's book, however, is the absence of a chapter or any thorough discussion of the part which the merit system has played in the improvement of

the status of the employee in the government service. There are numerous references, uniformly critical, of the incompleteness of this effort. There is a reference, in passing, to the aid to unionism by the widening introduction and use of civil service. Dr. Spero has been so exclusively concerned with the impact upon government services by associations and unions that no mention is made either of past contributions by the merit system or of the hope of future progress in government through perfecting the techniques of civil service. There is also a lack of reference to the contribution of able and sincere administrators who have constructively influenced the government to be a better employer.

In restricting himself to a factual and running account of developments in this field, Dr. Spero has avoided any summation, recommendations, or even interpretation of some of the trends and signposts. The report of a committee of the National Civil Service League in February, 1946, entitled "Employee Organizations in the Public Service" still remains one of the outstanding contributions in this field.

The last paragraph of the book emphasizes the necessity of a proper balance between the sovereign authority of government and the collective pressure of employees in government. There must also be added the concept of the duty of government to protect and maintain essential services.—WINSTON PAUL.

*Personnel and Industrial Psychology.* Edwin E. Ghiselli and Clarence W. Brown. McGraw Hill Book Co., New York. 1948. 475 p. \$4.50.

Although the present era is generally regarded as one of high specialization, a voice is occasionally raised in support of the idea that the various fields of human endeavor are interrelated, and that, therefore, different areas of specialization might each find a considerable profit through the development of a closer integration of their respective disciplines. Many persons actively engaged in public personnel administration have apparently come to the conclusion that their field of interest is essentially distinct from that of private or industrial personnel administration. The converse is of course equally true. The volume here under review can be highly recommended for such complete specialists in the field of public personnel administration. They will be reassured of their own particular competence in some aspects of the over-all area of personnel administration; they will also be made aware of their shortcomings in other aspects of the same over-all area. But most important of all, they will

be led to a recognition that industrial personnel administration and public personnel administration are closely related fields of activity, and that closer integration between them would be mutually advantageous.

This conclusion remains true in spite of the fact that the authors of *Personnel and Industrial Psychology*, two well-known members of the Department of Psychology at the University of California, have expressly directed their book to "the needs both of university students and of those in business, industry and labor. . . ." The obvious implication, that public personnel administration either overlaps the industrial field completely or else not at all, is carried out throughout the book. The reader whose particular interest has been in the field of public personnel administration is struck by the absence of any reference, in the documentation and the bibliography, to the more prominent authorities in that field.

Nevertheless, the volume offers much that is stimulating and enlightening for public personnel administrators. Perhaps the most stimulating feature of all is the basic theme which pervades the book. It is the principle of *individual differences*, emphasized and re-emphasized. At first glance it might seem unnecessary to discuss and emphasize the importance of individual differences in personnel administration. If there has been any one finding in psychology substantiated beyond any reasonable doubt, it is the fact of individual differences. Yet the evidence indicates that both public and industrial personnel administrators remain unconvinced of either the degree or the stability of individual differences. The experimental studies have thus far been centered preponderantly on abilities, skills, aptitudes, and the like. Differences between workers, however, are just as pronounced in "drives, motives, interests, aversions, social behavior, personality traits, attitudes, opinions, and other similar modes of behavior."

The manifold applications of a wider recognition of this basic principle of individual differences to public personnel administration are obvious. Many of these applications are specifically suggested in *Personnel and Industrial Psychology*. How valid, for example, is a position-classification plan which attempts to allocate the jobs of all employees to one or another of a limited number of classes? How close to reality is a pay plan containing five or six steps for each class, with a total spread of perhaps thirty per cent in light of the following:

. . . when such groups [of average workers] are

studied, and the amount of the differences between the individuals is measured by the range of performance, it is usually found that the best worker is some two to eight times better than the worst worker. These figures are representative of what has been found when the most reliable and accurate methods of measuring human response have been utilized.

In a particularly good chapter, "Conditions of Work and Productivity," scientifically authentic material is presented which suggests that certain other standard practices in public personnel administration have been established without regard to individual differences. Reference is made here to such practices as a uniform work week, uniform provisions for sick leave, rest pauses, and the like. In another chapter, dealing with "Training," the authors point out the need for fuller recognition of the implications of individual differences. While it is true that, through exposure, experience, and education, it is usually possible to improve performance, many training programs fail to recognize that there will be limits, varying considerably from one individual to another, beyond which practice and training can realize no further improvement, and that different workers react differently to specific training methods. The final chapter, dealing with "Worker Motivation and Morale," is well worth waiting for, from the viewpoint of public personnel administration. It makes abundantly clear that the determinants of human behavior are not related in a simple summative manner, but instead are so interrelated that in different situations different factors will play the dominant role. It is also made clear that human motivation cannot be subjected to the same type of controlled experimental investigation as can such factors as skills or aptitudes, which fact should produce a healthy absence of dogmatism when dealing with employee morale and motivation. Other aspects of personnel administration which are treated from the same sound point of view include job and worker analysis, criteria of proficiency on the job, testing and test evaluation, accidents and safety, monotony, and the designing of equipment.

Throughout the sixteen chapters, the authors maintain a style that is both clear and interesting. Specific illustrations and examples drawn from recent research are plentifully interspersed with the textual material. Though it is true that both the text and the illustrations refer almost exclusively to the field of industrial psychology, their applicability to public personnel administration is so evident that

the book might very justifiably find wide circulation among those whose interests lie in the latter field.—PAUL G. STEINBICKER, *Missouri Personnel Advisory Board.*

*The Management of Men.* Ronald B. Shuman. U. of Oklahoma Press, Norman. 1948. 208 p. \$3.00.

Professor Shuman's book divides into two main parts. The first half is a readable and intelligent exposition of that theory of organization which is usually associated with the names of Chester I. Barnard and Roethlisberger and Dickson. An organization is a system in equilibrium. It secures from its members the contributions of time, effort, and money needed to accomplish its tasks by offering these members material and nonmaterial incentives. It is the principal function of management to maintain this equilibrium so that the organization will survive.

In the second half of this book, Professor Shuman seeks to apply this theory of organization to the basic problems facing management in our society. He attributes the loss of confidence in our institutions of private enterprise and the friction between management and labor primarily to the failure of management to give adequate attention to non-material incentives. Management, he argues, must justify private enterprise not only in terms of productive efficiency, but also in terms of the broader social values it embodies.

"The 'deal' which management may offer the ordinary members of social order may be phrased in the following words: Private enterprise has been technically proficient. This even its enemies admit. Short-sighted greed has been allowed to injure the immediate advantage of many persons in this society, and perhaps has done great damage in the long run by getting us away from sound principles of efficient operation. However, on the record, private-enterprise economy, with all its shortcomings, can and has lived successfully in societies in which individual dignity is respected, in which the interests of the majority of society have been given some consideration. . . . We believe that man is interested not only in economic goods and services but also in their free use within practical limitations, and in freedom of thought and expression as part of the way of life. It can be done, even though not perfectly, under our system; it has yet to be done under alternatives proposed to date" (pp. 150-51).

While Professor Shuman is a strong proponent of private enterprise, he is by no means an unqualified admirer of laissez-faire. He stresses the responsibilities of management, the need for tempering freedom with respect for security, and the need for good deeds rather



than fine words in the areas of public relations and labor relations.

Returning to the author's analysis of organization and management, comments may be offered on several subsidiary points. Professor Shuman is much concerned with the qualities required of effective leaders and the methods for selecting leaders, but he has little to offer on either subject that is either new or helpful. He sets forth as the qualities of general leadership: technical efficiency, creative imagination, exceptional capacity for decision, and personal magnetism. He is properly skeptical of the efficacy of psychological testing methods for measuring these qualities, but he might have broadened his skepticism to question the significance of the categories themselves. While he makes a strong plea for better training of managers, he is extremely vague in specifying what this training is to include, or how potential leaders who need such training are to be identified.

The generally sensible treatment of Barnard's "equilibrium" theory is somewhat marred by Professor Shuman's failure to absorb the concept of authority into this theory. Because of a rather legalistic approach to the theory of authority, there is a tendency in the book to separate the "manager" too sharply from the other participants in organization, to romanticize his role, and to attribute to him more power than he actually possesses to dictate the terms on which the equilibrium of the organization is maintained. This inconsistency in view point is less obvious in Professor Shuman's chapter on public administration, where the central importance of compromise is emphasized, than in the portions of the book dealing with private management. To his credit, however, the author sees clearly the fallacies of Burnham's "managerial elite."

Psychologists will also take exception to the overemphasis upon rational behavior that is evident in the early chapters. This is a fault which the present work shares with those of Barnard and of this reviewer. It needs to be corrected in the light of recent advances in industrial psychology.

Like any book that attempts to deal with the broad problems of modern society, *The Management of Men* contains many generalizations and dicta that will be questioned by the careful reader, and the rigor of its logical deductions leaves much to be desired. Nevertheless, it is certainly one of the better books of its kind, particularly because of its sophistication in organization theory, its temperate tone, and the tentativeness with which its conclusions are

advanced.—HERBERT A. SIMON, *Illinois Institute of Technology*.

*The Civil Service in the Changing State.* H. R. G. Greaves. George C. Harrap & Co., Ltd., London, 1947.

Ever since Dorman B. Eaton made the study of the British civil service that led to the U. S. Civil Service Act of 1883, the United States has looked to the British civil service as the pattern by which to tailor its personnel reform.

The basic features of that reform are still as good as ever—a unified, non-partisan public service; free competition in recruitment; and promotion by merit. The United States, however, still has a long way to go before it catches up with the British in putting these basic principles into effect.

But now comes Mr. H. R. G. Greaves to point out that the British civil service was "scarcely . . . in process of creation before it was beginning to become out of date." He then goes on to note a number of ways in which the demands of the broadening functions of government make it impossible to regard the civil service "as a class apart from the general industrial, professional, and commercial population."

In addition to its basic principles, the British civil service developed a number of incidental—almost accidental—principles which were in harmony with the peculiar needs of nineteenth century Britain. Many American reformers have been inclined to try to imitate these incidentals as earnestly as the basic principles themselves. But Mr. Greaves (and in this he is in harmony with current practical developments) proposes to abandon these incidentals entirely, in ways that would make the British civil service rather more like the American.

First, there is the business of democratic recruitment and promotion, long an objective of the Labor Party critics of the civil service and its top administrative class. The emergency measures taken during the war had just about settled that problem. But Mr. Greaves puts the stamp of his theoretical approval on the broadening of the examination procedure to give less preference to graduates of Oxford and Cambridge and to give much freer promotion to the administrative class from the subordinate executive and clerical classes and from the scientific and professional groups.

Mr. Greaves does not believe that it is enough simply to recruit the best products of classical university training and to provide that the general administrators shall always be on top. Too much devotion to these principles

has made the civil service lack "precisely the qualities most urgently in demand for the public servant of the twentieth-century state." He wants people recruited who have been trained in subjects related to the work which they will do later, particularly the social sciences, because the training will be useful and because it will encourage them to keep up association with university activity even after entering the public service.

In much the same way as the United States in the thirties exempted emergency agencies from civil service, Great Britain has put the newly socialized industries under semi-independent commissions, mainly because it distrusted the ability of the civil service to provide adequate personnel. Mr. Greaves, however, dislikes this solution. He thinks that the socialized industries should have more of the safeguards now associated with the civil service, and that the civil service should have more of the flexibility and freedom associated with the independent commissions. Only this solution, he argues, can keep the socialized industries under adequate public control and protect them from the influence of unions of their employees. As for the civil service generally, Mr. Greaves would like to break down the barriers that have set the career service apart from other occupations by bringing in men from local governments or private business during their thirties.

The next step he recommends would be to remove several of the old taboos that have been considered necessary to keep the civil service out of politics. The orthodox principle has been that administrators must express no public opinion on the subject matter of their work and must carry out any policies that their political superiors determine. But Mr. Greaves wants to encourage administrators to undertake research and publish its results, even in fields directly concerned with their departmental programs. And he shows some regret that during the years of disillusion between the wars, during which the civil service could not constitute the spearhead of an advance in social policies, "there were no resignations of high civil servants given in order to fight in independence for principles and policies in which they believed."

Mr. Greaves' study is not concerned strictly with personnel administration. His recognition of the fact that the nature of the civil service depends on the general purposes of the government leads him to discuss the machinery of government, and particularly its system of controlling and coordinating policy.

In doing so, he makes clear that Great Britain does not rely on the cabinet system alone for the coordination of policy. He puts a rather lower value than do many recent American observers on the cabinet secretariat and the committee system which it administers. He notes that the Secretary of the Cabinet is only a subordinate officer of the Treasury and he proposes a considerable expansion of the role of the Treasury to deal with the whole range of government policy and with the improvement of the organization of the government.

In making this point he makes clear the dual responsibility of the Permanent Secretary of the Treasury, who is also permanent head of the civil service. While the Permanent Secretary is responsible to the Chancellor of the Exchequer for questions of finance, he is responsible to the Prime Minister for the broader problems of the appointment of top personnel and for the improvement of the organization and administration of the government. He emphasizes that these functions must necessarily be attached to the Prime Minister as the effective chief executive, and that the civil service must develop the type of staff that can give the Prime Minister adequate assistance in the planning and developing of government-wide policies.

Mr. Greaves, as he defines the "qualities most urgently in demand for the public servant of the twentieth-century state," sets goals which American personnel administrators might well join him in seeking to attain. These are not the qualities of caution and neutrality, but rather, in Mr. Greaves' words, "the qualities of initiative and enterprise, of originality and constructiveness of mind, of human understanding and democratic contact, of scientific training and acquaintance with social studies." —DON K. PRICE, *Public Administration Clearing House*.

# Current Literature

Articles of Interest in the  
Public Personnel Field

## Personnel Administration

ARONSON, ALBERT H. "Personnel Administration in Public Health." *American Journal of Public Health*, 38 (8) August, 1948: 1103-08.—We cannot dodge human problems in any organization; personnel activities go on whether we have formalized techniques or not. The basic problems of staff management are the same in publicly and privately owned organizations, but the public agency has to consider, in addition, the right of the people in a political democracy to scrutinize administrative processes. Personnel methods, such as selection in the public service, must not only contribute to more effective over-all management, but must also be nonpartisan and democratic instruments of government. A merit system requires rules and procedures to function impartially, but administrative discretion and flexibility should not be sacrificed. The emphasis in a merit system should be on *merit* rather than on *system*. There is an individualistic tradition that makes it difficult for an administrator in a professional field to delegate important responsibility. As an administrator he must find some way of divesting himself of details, in personnel as in other administrative areas. A competent personnel officer can assist the public health administrator with such matters as job analysis, pay plans, employee training, counselling, performance evaluation, placement, separation, and promotion. A public personnel program must be judged by its operation, not merely by its legal framework. A merit system may be well or poorly administered; it is the responsibility of persons engaged in professional fields such as public health to participate in its operation, to understand it, and to criticize it. The techniques of personnel administration are no substitute for administrative leadership. Difficulty in discharging employees is not limited to public programs operating under a merit system. Deadwood is tolerated in educational institutions and business organizations because of inertia or the unwillingness of executives to take needed action. Public service is the criterion of success in a governmental organization, as profit measures accomplishment in a private firm. There is as much difference between the best and poorest public administration as there is between a firm that makes a handsome profit and one that goes bankrupt

because of inefficiency. The proportion of the budget of any health department spent for personal services underlines the critical importance of personnel administration. The human element looms large; the job satisfactions and efficiency of individuals are important factors in the success or failure of the total program. Personnel administration will not solve the human relations problems of any agency, but it should promote more effective management and hence the accomplishment of the primary goals of the agency.—*Marvin W. Strate.*

CLAPP, GORDON R. "Public Administration in an Advancing South." *Public Administration Review*, 8 (3) Summer, 1948: 169-75.—The character and purpose of the public service and ideas about its improvement should be related to our kind of government; in a democracy we seek a public service that relates itself to concepts of justice, liberty, and fuller economic opportunity for human beings. In developing the resources of the Tennessee Valley and the Southeast generally, the object is to relate the resources of this region more closely and perpetually to the lives of more and more people. The interdependence of natural resources and their unity with man himself has had a profound effect upon the organization and administration of TVA, where the many and diverse parts of a unified program are integrated under a single management. To avoid the historical dangers of centralized authority, TVA has pursued a policy of decentralization of responsibilities and diffusion of the sources of initiative, through close working relationships with the people of the valley, and encouraging its staff to act with considerable freedom within the objectives of the Authority. Such decentralization is effective only if the competence, integrity, and responsibility of the individual public employee are assured through selection and tenure protected from political influence or reprisal. Economic advances in the South have been accompanied by significant progress in public administration, including realization of the need for sound personnel administration and in-service training at all levels of government. One objective of training might well be to give public employees at least an elementary knowledge of the natural resources of their community, their state, and their region. This leads to certain ob-

servations that may be suggestive in striving for a professional point of view in public administration. The management of natural resources deals with the stubborn realities of things. While the word "administration" has come to imply an organized process bringing ideas about things closer to the potential utility of things, wise administrators recognize that *men are not things*. The neat orderliness of the powerhouse cannot be duplicated in the organization of men's ideas and energies. Administration can be the link between the forces and materials in our physical environment and human resources. The task of the administrator in a professional sense is to cultivate objectivity in the presence of a fact, courage and imagination in contriving to absorb facts profitably into the web of human actions, and humility and faith in the presence of human potentialities.—J. Stanley Frazer.

STONE, DONALD C. "The Top Management View of the Public Service." *Advanced Management*, 13 (3) September, 1948: 103-10.—An examination of the setting in which the manager works, the forces with which he must contend, and the kind of person required for top management functions is necessary to secure an understanding and an accurate appraisal of the place and role of the manager in public service. Our concept of government is that it is the servant of man, and the role of the top manager is to effectively translate into action governmental programs designed to assure man's protection, economic well being, convenience, and cultural development. Military victory in the last war was achieved not merely because we had vast resources, but also because we were able to mobilize the necessary administrative resources for the tasks to be faced. Top management in the public service, however, works in an area of instability occasioned by the fact that the citizen is the boss. Management's sights must be adjusted as political objectives change, and top managers need to be politically sophisticated and yet maintain a position of integrity and impartiality. The smallness of the financial reward for services rendered, the active or passive resistance to any change in departmental organization or procedure, and the necessity of reconciling individual viewpoints and developing spontaneous cooperative team relationships do not make the life of the top manager a bed of roses. Despite these problems and a stigma of being called "parasites," "communists," and "pay-rollers," top managers in public service

reflect a higher level of idealism and devotion to duty than is found in private business. The need for procuring the best managerial talents that exist in the country, and the need for securing a greater understanding of the political, social, and cultural forces at play in this country and the world, as well as greater knowledge of and skill in the art and science of management, are continuing problems that must be faced. The qualities needed for top management positions are not stereotyped. Breadth of understanding and interest mixed with sufficient technical knowledge to harness specialists and maintain control over his organization are vital requisites of a successful manager. Public administration should be a means for achieving social purposes. Those who practice it, the top managers, must have a full grasp of all matters which condition its use. To meet the various burdens imposed on top management, the universities must participate in the development of persons trained to assume these responsibilities under present conditions. As a part of this program and to meet an existing difficulty in top management in government, the universities must establish as a goal the development of the highest qualities of character to meet the demands of our society.—Verlyn L. Fletcher.

### Testing

GARDNER, BURLEIGH. "What Makes Successful and Unsuccessful Executives." *Advanced Management*, 13 (3) September, 1948: 116-25.—The Thematic Apperception Test (TAT) has been applied, with considerable success, to the selection of executives. The characteristics of successful and unsuccessful practicing executives are revealed through the TAT. It is now practical to test quickly and find out in advance whether an individual has the stuff of which successful business executives are made. Despite the differences among men, the personality structure of the successful business executive includes the following eleven traits: (1) achievement desires; (2) the idea of authority; (3) strong mobility drives (desire for achievement, reward, prestige); (4) organizational ability; (5) decisiveness; (6) firmness of conviction; (7) activity and aggression; (8) the need to overcome a sense of frustration; (9) realism; (10) tendency to identify self with superiors; and (11) lack of emotional ties to parents, particularly the mother. Likewise, it has been determined that among the more basic liabilities of unsuccessful executives are these twelve traits: (1) inability to grasp broad problems; (2) failure to carry responsibilities; (3) uncon-

scious desire to do something else; (4) unconscious desire to be someone else; (5) impatience and boredom with subexecutive positions; (6) inability to accept criticism and differences of opinion; (7) resistance to authority; (8) arrogance with subordinates; (9) prejudices which interfere with judgment; (10) overemphasis on work; (11) gravitation toward self-destruction; and (12) mental ailments. Redesigning the Thematic Apperception Test to explore personality for specific traits such as those listed above was done by the Committee on Human Development at the University of Chicago. About fifty minutes are required to take the test, although the psychologists' analysis of the responses may take from five to ten hours. In the 473 cases thus far tested the evaluations of the candidates by their superiors have been in essential agreement with the psychologists' findings, although further investigation was sometimes necessary.—*Herbert Shell.*

MACMILLAN, MYLES H. and ROTHE, HAROLD F. "Additional Distributions of Test Scores of Industrial Employees and Applicants." *Journal of Applied Psychology*, 32 (3) June, 1948: 270-74.—In a previous study, the second author found that test scores of applicants tended to be significantly higher than the scores of the employees used to validate the test to be used. With age, military experience with tests, and combinations of data from shop and office applicants controlled, it was concluded that the shift toward better scores for applicants was to be explained either by the fact that knowledge that tests were to be used had gotten about and was attracting better applicants, or applicants have a stronger incentive for good test performance than do employees.

In the present study, comparisons are made between scores of employees and successive groups of applicants to see whether the scores of applicants continue to improve as the word gets about more widely with the passage of time that tests are being used. It was found that successive groups of applicants presented almost identical distributions, and it is concluded, therefore, that knowledge that tests are to be used does not attract a better quality of applicants, but that the stronger incentive for good performance of applicants results in better scores. This conclusion should be further checked by later retesting of employees who were tested as applicants and by controlling such factors as the size of groups to whom tests are administered and the personality of test administrators. (Two charts and 3 tables are presented, showing the comparisons of some of

the distributions referred to.)—*Kathryn A. Humm.*

STROMBERG, ELROY L. "Testing Programs Draw Better Applicants." *Personnel Psychology*, 1 (1) Spring, 1948: 21-29. Following the administration of a selective testing program in three plants in three different geographical areas, personnel managers were surprised and even alarmed to discover that within a short time almost all applicants qualified on the test batteries, even though the installations were carefully made and flexible testing standards established. In this study the control, or criterion groups, tested first were all women who had been employed for some time. The same battery of tests was then administered to outside or new female applicants for the same type of positions. The statistical results indicated in almost all cases that the new applicants were superior in test level to the original criterion groups. The tests administered included: a Code Identification (a test of operational ability); the Purdue Adaptability (a mental alertness test); a Personal Adjustment test (one similar to the Minnesota Multiphasic); and the Discriminative Dexterity Tests (an examination of muscular dexterity and related insight). Validation techniques were applied in all phases. A conclusion is that perhaps those individuals who originally have difficulty in the test situation do not apply when they hear that "you have to take a test to get a job in this plant." Perhaps the increase in efficiency of new applicants as compared to employees, based on these tests, is not due to selectivity of tests, but due to selectivity of applicants, since applicant groups as a whole showed increases in measured ability following installation of the program. Certainly, we can draw an inference for industrialists, namely, that if tests attract better applicants, management may be more cautious in spending money for mail order test programs or for validation of original industrial tests. Psychologists should place increasing emphasis on placement function of psychological tests. A resulting inference is that if by self-imposed selection, more adequate applicants seek employment after tests are installed, then any battery of tests might prove an asset to industry. (Statistical charts and references are included.)—*John Holmgren.*

#### Employee Relations

ANDERSON, KURT. "A Detroit Case Study in the Group-Talking Technique." *Personnel Journal*, 27 (3) July-August, 1948: 93-98.—



Often we try to conceal our own shortcomings by criticizing the other fellow. And the more we are at fault, the louder we yell. This principle is well illustrated by a report on a university course in labor relations which was taken by a group of union committeemen of a large Detroit motor manufacturing plant. At the time (subsequent to the passage of the Taft-Hartley Act), there was a strong feeling among the committeemen that the company was out to break the union and that it was impossible to settle union-company disputes and grievances. As a result, several incidents had occurred which could easily have been the basis for provoking wildcat strikes. In order to discover the basis for the union attitude, its justification, and possible methods of dealing with the problem, the men were encouraged to talk the situation over in the class. No attempt was made to develop the facts logically, and control was exercised only to the extent of bringing a wandering speaker back to the subject of labor relations. The group discussion fell into a four-step pattern. At first the comments were anticorporation and highly emotional, gradually followed by some recognition of the difficulties and problems encountered by their antagonists, the company supervisors. Having reached the stage of pointing out the other side of the story, they logically turned to a perusal of their own shortcomings which, in turn, led to a consideration and discussion of practical, workable ways of handling grievances. To conclude the discussion, one committeeman staged a scene showing the incorrect and then the correct methods shop stewards should use to present grievances. An educational program of this type is expensive and time-consuming and, in addition, requires exceptional teachers and leadership, but it seems to be highly effective.—*Richard W. Darling.*

APPLEBY, PAUL H. "A Reappraisal of Federal Employment as a Career." *Public Administration Review*, 8 (2) Spring, 1948: 85-90.—Although government today is inviting and richly rewarding, in psychic satisfactions at least, for those who keep their heads above the clutter, poor morale is a present characteristic of government personnel. Five major causes are easily identified: (1) the shift from the dimensions and character of wartime government, with the incidental features of overclassification of many positions, valuable persons with limited war-service status, and the establishment of re-employment rights for those who went into armed services; (2) the economy programs, involving reorganization and retrench-

ment in many areas regarded before the war as normal and stabilized; (3) the shift in policy leadership due to the death of President Roosevelt, the succession of President Truman, and the dominance of the Republican Party in Congress; and, auxiliary to this, the shift in Cabinet leadership with changes in key personnel surrounding the political heads; (4) the lack of background, characteristic of new agency heads without adequate administrative training, a problem with a congressional aspect, that involves a specific interference with administration which in the long run is not in the interest of Congress or in support of true congressional control; and (5) the expectation of civil servants themselves of too much security. Other factors relate to veterans' preference provisions; the loyalty tests; the arbitrary State Department discharges; the enhanced tendency in Congress to persecute individuals in investigations together with pressures in administrative agencies; and the size and complexity of public problems, making orderly and sustained planning difficult. The percentage of change (significantly while one party has been in charge of the executive branch) amounted to an all-time high of 41% in 23 months from the wartime peak. Development of adequate compensatory arrangements must await needed studies to reveal the personnel realities. We need development of administrative understanding and appropriate administrative processes. For example, the field of personnel investigations and evaluations has never been the subject of systematic administrative study. A principal need is for the civil servants to develop a clearer understanding that administration is itself a political process in the best sense of the phrase, a special vehicle of response to society and control by society. We need a bridge between political officers and civil servants and a sufficiency of policy management in administration. This development should take two forms: (1) a small increase in the number of "excepted positions" around policy-making officials, carefully safeguarded by numerical limitation, and (2) growing recognition by civil servants of their diluted but real political —although completely nonpartisan—function.—*Miriam M. Stubbs.*

BRADSHAW, F. F. and KRUGMAN, HERBERT E. "Making the Most of Morale Surveys." *Personnel*, 25 (1) July, 1948: 18-22.—Without the interest, understanding, and enthusiasm achieved by participation in the morale survey, management may be overeager to make comparisons

with other organizations and to side-step the question of whether morale could be improved. To counteract these tendencies and to obtain the greatest benefit from the survey, a special conference technique has been developed for maximum effectiveness in converting survey findings into action. In a large manufacturing company two members from each of six levels were selected on the basis of the degree to which they influenced the opinion of people on their own management level, the amount of interest and enthusiasm they showed in improving work efficiency, and their ability to speak critically and frankly to higher ranking personnel. A chairman skilled in conference leadership was chosen from outside the firm. Weekly meetings away from the plant were held prior to the survey interview period and after completion of the survey report. The meetings were so scheduled that following a two- to three-hour session members proceeded to their homes rather than back to the plant. The program emphasized an understanding and evaluation of evidence that human beings are capable of much greater productivity than is normally encountered; an understanding of industrial relations problems; and a discussion and evaluation of recognized local employee relations. The chief advantages of this procedure seemed to be that (1) members developed both a better understanding of the findings and a sense of participation in the survey, which resulted in a willingness to use the findings; and (2) fruitful leads were provided for those who designed the survey interviews and questionnaires to develop in their investigation of morale. Such a program could be extended throughout the company on a limited basis. Within six months after completion of the survey, action had been taken on a supervisory training program; revision of promotion policies; a foreman selection program; a reorganization of personnel and work procedures in a major department; a revision of the suggestion system; and a program of providing employees with information which the survey showed they desired. It is expected that an accumulation of experience with this method will result in further "streamlining" and standardization of techniques.—Betty B. Thompson.

MERRIAM, CHARLES E. "Some Aspects of Loyalty." *Public Administration Review*, 8 (2) Spring, 1948: 81-84.—Throughout history many factors have been used by nations to preserve allegiance. Authoritarian loyalty has been built on fear, on violence, on custom, on the selfish interest of a few, on symbolism and tradition.

However, the *means* of producing loyalty must not be such as to destroy the very *ends* for which loyalty exists. Otherwise, what looks like the granite of irresistible authority may turn out to be putty and crumble in the hour of crisis. We now know that men are attached to the common good in proportion as they feel they attain justice and welfare. In our time we have the problems of fitting local and national loyalty into loyalty to the larger world. In fact, it is only within the broader framework of world organization that sovereignty and nationalism can continue. With reference to public servants, federal, state, and local alike, a constructive program for the promotion of loyalty should include the following factors: (1) Closer attention to adequate compensation of public employees, to their social security, and to more satisfactory working and living conditions. We cannot forget that just treatment is a highly significant factor in morale and loyalty. (2) Broader opportunities for in-service training to enable public servants to broaden and enrich their areas of interest and competence. We must be on the alert for unorthodox, original, creative minds, capable of discovering new relations and better ways of doing things. Progress is not found in complete conformity and docility, but in critical attitudes leading to invention and advance. (3) Halting the stream of bitter, smearing attacks upon public servants and service. Indiscriminate baiting of public servants does not improve the morale of the workers or promote attachment to the government they serve. It tends to drive men away from the public service; yet without the public service the nation cannot live.—Bettie J. Levy.

#### Placement; Service Standards and Evaluation

MCDERMET, WILLIAM W. "Developing Performance Standards." *Public Welfare*, 6 (9) September, 1948: 187-90.—Development of performance standards assumes meaning when related to general trends in business management which point up the need for such standards. Two such trends are: stricter appraisal of services received in exchange for wages paid, and increased recognition of the employee morale factor in securing efficient service. Government agencies, whose personnel actions purportedly are based on quality and quantity of service rendered, need definite criteria by which to judge performance. These agencies have two choices—either accepting standards determined by individual supervisors, with great variance from supervisor to supervisor, or facing the job

of promoting the development of uniform standards of performance. To what extent performance standards provide a common judgment basis depends partially on the degree of refinement in the standards and partially on supervisory training in the interpretation and individualized application of the standards. In some cases, because of the subjective nature of performance or the products thereof, standards of performance, at present, can only serve to guide the supervisor toward considerations that are objective by comparison. The Nebraska Department of Assistance and Child Welfare, in developing standards of performance, utilized employee participation, both supervisory and administrative, at all stages. The major steps in bringing the performance standards of this agency into written form were: (1) determination of job factors; (2) definition of satisfactory performance of job factors; (3) synthesis of data on satisfactory performance contributed by employees; (4) organization of material into simplified form for convenient use; and (5) presentation of the material for final review and approval. In developing performance standards, a personnel officer has the dual role of leader and technical adviser. Whether standards of performance become functional and can be developed further depends upon how fully their potential uses are understood, and also upon the extent their application in the day-by-day job can be promoted.—*Ruth C. Hanson.*

ROSENBERG, HERBERT H. "Can Work Measurement Be Applied to the Personnel Office?" *Public Administration Review*, 8 (1) Winter, 1948: 41-48.—The War Department has recently completed a study using work measurement techniques to establish standards for staffing personnel offices. The study began with the breakdown of personnel work into activities, operations comprising each activity, and work units involved in each operation. A representative cross section of personnel installations reported their monthly man hours expended and work units completed for a period of three months. The man hours per work unit for each operation were determined by month and installation. The results were ranked, and the upper quartile selected as a reasonable standard for that operation. Applying this standard to the number of work units completed gave the standard man hours of work load for the operation. Standard man hours per unit for the total activity were similarly established. The hours of work load determined

by this standard showed a positive correlation with hours of work load determined by using the standards for each operation. Thus validated, the standard man hours per unit for each activity were converted into staffing standards. The number of man hours available per person per month was divided by the standard for the activity to give the number of work units a person ought to complete in a month. With this information, it was possible to determine staff requirements for any installation on the basis of actual work load. The study demonstrated that personnel work can be quantitatively measured and revealed by a comparison of work load with strength served, and that the traditional strength ratio is not an accurate staffing standard. Standards resulting from such a study are useful in many other ways, including fostering maximum utilization of personnel, furnishing performance incentives, and, when hourly pay rates are comparable and controllable, determining unit costs for the personnel office.—*Adele S. Hebb.*

#### Classification; Pay

ASH, PHILIP. "The Reliability of Job Evaluation Rankings." *Journal of Applied Psychology*, 32 (3) June, 1948: 313-20.—Little systematic study seems to have been made of the reliability of job evaluation ratings. Reliability has been assured by the methods used, or the limitations demonstrated in connection with trait ratings have been imputed to job evaluation ratings. From twenty-two job evaluation plans, nine factors were selected and defined in detail. Twenty-seven occupational descriptions were selected for the study. No analysis was made of the objectivity or reliability of these descriptions. The range of jobs included in the sample is considerably greater than that found in a typical plant. Ten experienced job analysts participated in the study, and they were instructed to rank the sample for each factor, treating each factor independently. For each job, the rankings of each analyst were correlated with the median for each factor. Of the ninety coefficients, forty-nine exceed .90, and only one is very low. The average intercorrelations are somewhat lower than the medians of the individual correlations, ranging from .39 to .93. For four jobs the rank-range on each factor was wide; the analysts reported that information was too ambiguous or too scanty to make a ranking judgment with confidence. For particular jobs, personal biases operated in one or more of the factors. The following conclusions seem justifiable: (1) In

general, a high degree of reliability of analyst judgment may be anticipated. (2) Consistency of rating appears to be in part a function of the factor rated, and in part a function of the information available. (3) In a set of nine factors it is probable that some of the factors overlap and may be dispensed with. (Article contains tables giving reliability coefficients and intercorrelations of analysts' ratings.)—*Jesse C. Anderson.*

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State of Illinois, County of Cook, ss.

Before me, a Notary Public in and for the State and county aforesaid, personally appeared James M. Mitchell, who, having been duly sworn according to law, deposes and says that he is the Editor of the Public Personnel Review and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the act of August 24, 1912, as amended by the acts of March 3, 1933, and July 2, 1946 (section 537, Postal Laws and Regulations), printed on the reverse of this form, to wit:

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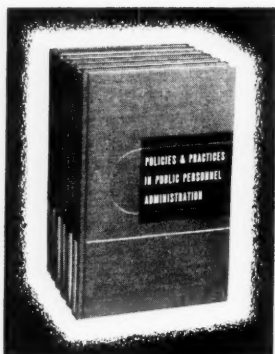
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